

# MEĐUNARODNI PROBLEMI

# INTERNATIONAL PROBLEMS

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## IZ SADRŽAJA

### RASPRAVE I ČLANCI

*Vladimir RUKAVIŠNIKOV*, The Bear and the World: Projections of Russia's Policy after Putin's Return to Kremlin in 2012

*Aleksandar FATIĆ and Aleksandra BULATOVIĆ*, The Problem of Truth in War Crimes Trials

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*Dragan ĐUKANOVIĆ i Dejan GAJIĆ*, Evroazijske bezbednosne integracije i bezbednost Balkana i Srbije

### PRIKAZI KNJIGA

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GODINA LXIV

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# INTERNATIONAL PROBLEMS

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*Vladimir RUKAVISHNIKOV*<sup>1</sup>

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## THE BEAR AND THE WORLD: PROJECTIONS OF RUSSIA'S POLICY AFTER PUTIN'S RETURN TO KREMLIN IN 2012

### ABSTRACT

The paper deals with projections of Russia's policy after Putin's return to Kremlin in 2012. The focus is made on security and foreign policy issues. They are considered as twinned with the domestic affairs. In part of the paper author examines how the proposed rising of military spending impacts the Russian society, the state politics as a whole, as well as other relevant issues. The author insists that the increase/decrease of temperature of the US – Russia and Russia – the EU relationships is hardly only Russia's concern.

*Key words:* Russia, Putin's security and foreign policy, the first quarter of the 21 Century.

### INTRODUCTION

Since the August 2008 after the five-day war between Georgia and Russia, in which the Russian Federation won, Russia has been pictured in the West as a real bear, not a Teddy bear, and a fear of "the Russian bear" returns to the Americans and Europeans like it was in the days of the Cold

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2 This article is an updated version of the author's presentation at the Inter-University Seminar on Armed Forces and Society Biannual Conference in Chicago, the USA, on

war.<sup>3</sup> No surprise. Generally speaking, the main security concerns, acting together with deep-rooted stereotypes, imbedded in individual perceptions of international politics, are defining a latent network of propositions and, ultimately, building up the general structure of attitudes to the world security. Whether or not, this conscious or unconscious process is a question for further socio-psychological research.

We will not speculate in this paper whether Russia is perceived as the main threat to the US, despite numerous declarations on the strategic partnership and collaboration in the fight against international terrorism and other issues, or not. We do hope that it is not. Such speculations may be fun, but what are they good for? But, we have to note that “bear” is also the symbol of winners in the December (2011) national election, i.e. the pro-Putin political party “United Russia”, which controls the Russian parliament. Add to this the fact that Mr. Vladimir Putin can be elected the next Russian president in spring of 2012 and probably he will keep this post until 2024. He has no serious political rivals and his victory should neither give the opposition a chance to question the result and the legitimacy of Putin’s election nor provoke mass protests in the streets. Thus, all we can speak at the time of writing (December 2011- January 2012) are projections and we are extrapolating the current trends to the nearest future.

The Russian democracy reflects the Russian political culture. The author is definitely sure that the main conclusions he made earlier are still correct. This fact allows us to consider the present paper a continuation of the earlier works and do not repeat what was published before.<sup>4</sup> We indicate only the opinion trends and do not refer to the exact figures of the Russian public opinion polls; we do not review mountains of relevant literature in the Russian language either, because the paper is addressed to English-speaking readers.

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October 21-23, 2011, and the following discussion at the Chicago Council of Global Affairs. The article was prepared especially for journal “International Problems”.

3 The reader could recall that the Russian-Georgian war in August 2008 broke out just several days after Moscow had completed its military exercise “Kavkaz-2008” in the North Caucasus. The conflict “ended” when Russia announced full independence of South Ossetia and Abkhazia from Georgia. The tensions between Russia and Georgia have been present up today, and, in our view, the relationship between these countries could be worsening if the armed conflict between the USA and Iran emerge in the coming future.

4 Vladimir Rukavishnikov, “Putin’s politics and the Russian political culture”, *Central European Political Sciences Review*, Vol. 10, No. 36-37, Summer- Fall 2009, pp. 9-39. See also: Vladimir Rukavishnikov, “Reminding the year of 1993 and re-thinking the Russian transit in retrospect”, *Central European Political Sciences Review*, Vol. 11, No. 2, winter 2010, pp. 68-85.

The paper is divided into three sections which are linked to each other. The brief concluding remarks recaps what was said in the paper with a focus on the relationships between the USA and the EU, on one side, and the Russian Federation, on other.

### A BRIEF REMINISCENCE AND “HOT” QUESTIONS OF THE FUTURE

Contemporary capitalism in Russia is weak, – yet really oligarchic by nature – perhaps, because of the internal causes, plus because of the used recipes of the Russian transition from centralized economy to a market one. Today, they (the recipes) prove to be ineffective, especially in those countries, which had obsessively recommended them to be used in Russia in the early 1990s. The side effect should be noticed as well – those Russian “Westernizers” (please allow us to use here this old-fashioned term), who strongly determined Russia’s political course in the 1990s, have currently pushed out of Russia’s politics, which is being determined more and more by those who are mentally close to the 19th century “Slavophiles”, i.e. the nationalistic-oriented elite grouping. According to Westernizers, westernization of Russia is an imperative. But, is it true? Modern Russian Westernizers have allowed simply registering the lack of massive Western investments and liberal reforms and always emphasizing a set of domestic and foreign policy mistakes made by the Kremlin as the main argument in support of the idea of the “total failure of the anti-Western and militaristic policy”, and so on. But, the Right-wing political formations along with pro-democratic liberal parties gained no popular support on the national elections in December 2011. The attempt to picture incumbent President Medvedev as Westernizer is a fake. It may be taken for sure that the overall decrease of influence of Westernizers will have an ample effect on Russia’s security and foreign policy during the next Putin’s term.

Democracy is in a poor stand in this country.<sup>5</sup> Experts around the world share these views. According to the Russian opinion polls, since the early 1990s the words “democracy” and “capitalism” are associated by the bulk of the Russian general public with mass poverty and misery, unfair privatization of public assets and personal troubles as an aftermath of the liberalization of former centralized and planned socialist economy and forced “democratization”. The

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5 See: Roger Kanet (ed.), *Russia: Re-emerging Great Power*, 2007, London (UK), Palgrave Macmillan.

Western advisors, the Americans mainly, are blamed for poor results of Russia's transition to a free market economy and democracy.

The image of the post-Soviet Russian capitalism and democracy is strongly associated with bribery and corruption. Efforts of the government to fight against this evil were ineffective so far. However the "hot" question is as follows: Into what form will the Russian capitalism and democracy be transformed in the coming future?

Many people wish to see that the Russian Federation is steadily moving ahead along the path of democratization and to a genuine free market. But! There is an opinion that the only plausible development for this nation in the 21<sup>st</sup> century is to be the Empire again because Russia can only be governed as an isolated autocracy and that during the Putin-Medvedev's epoch the nation has started its sliding along this path. There are certain reasons for such an opinion. And, because we cannot ignore this unpleasant variant of development we should say a few words about the evolution of Russia's political system.

For many Russians, Boris Yeltsin, the first President of post-Soviet Russia, was personally responsible for devaluation of the idea of democracy in Russia and a poor standing of the nation in global affairs; the public opinion says he was responsible for Russia's crisis in the 1990s more than others of his "young reformers" team. The transfer of power from Yeltsin to his successors had not been performed according in accordance with democratic norms, despite the fact that Mr. Putin as Yeltsin's protégé got an overwhelming support of voters. Almost everybody in the country was happy to get rid of that "sick man" by the end of 1999 and to vote for Mr. Putin.

During the 1990s post-Soviet Russia was a young pseudo-democracy with formally guaranteed human rights and democratic liberties. Most social scholars agreed with this definition. However, we have described Russia of the 1990s as *anocracy*. In our view, this is a more correct definition. By the end of Yeltsin's reign, governability became a real national problem. It was, perhaps, the political and economic problem Number One. There is no such problem today thanks to Mr. Putin.

Russia under Mr. Vladimir Putin became a quasi-democracy with certain authoritarian traits. Putin created the "vertical of power", which simplified the procedure of naming governors of provinces, heads of regional police departments, and so on. However, in fact, he went along the well-known path as a good student of the Western political history, at least, in our opinion. To complete this remark we should note the following. The reader, of course, could

remind the so-called “social contract” as a relevant story. However, in our opinion, no new “social contract” or a treaty/ balance of duties, between the society and power-holders could be established in modern Russia as it could be in good old Britain. (For the lack of room we shall not debate this issue in the paper as well the view whether the revolutionary scenarios, which had been realized in Europe in XVIII-XIX centuries and in developing countries in the XX century, have totally exhausted or not.)

During his 8-year long stay in Kremlin as the Head of the State (2000-08) Vladimir Putin, the second Russian President, presented to the public very different principal tasks for each four years’ term.<sup>6</sup> Strengthening of the state – or of Putin’s personal power, as his opponents said, – had become the central theme in the first Putin’s term (2000-04). But since foreign affairs could not be ignored, Putin’s emphasis on the fight against Chechen and international terrorism after the September 11, 2001 tragedy in the USA has provided a convenient formula for melding the domestic affair with the foreign one into a basic theme in a dialogue with Western leaders. The accent on fighting against terror as a common threat helped the US and the RF to smooth the criticism of the Western media concerning the process of reduction of democracy in Putin’s Russia. During his second presidential term (2004-08), Putin reinforced the priority placed on domestic affairs; the concept of foreign policy as an extension of domestic politics had the side effect of further deterioration of relations with the West. Below we shall discuss his Munich’s speech.

Some scholars say that resurgent Russia is an *emerging democracy*.<sup>7</sup> Perhaps, this is also true. Russia has a weak democratic tradition, indeed. And we do agree that the move from the “Russian version of anocracy” to the so-called “soft variant of personality cult of Putin” has resulted in the present-day situation.

Today, in Russia there is a new and unique form of political regime which was established after Yeltsin’s anocracy in the 1990s and Putin’s quasi-democratic authoritarianism of the early 2000s and it is ironically titled as *tandemocracy*. The entire term is an ironic definition of the current power-sharing arrangement between Putin and Medvedev used by the Russians; the word had been derived not from “democracy” but from “tandem” as a bicycle for two. As the reader may know the back rider on this kind of bike smells the

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6 This point is tackled in: Richard Sakwa, “Putin’s Leadership: Character and Consequences”, *Europe-Asia Studies*, 2008, Vol. 60, No 6, pp. 879-897.

7 Roger Kanet (ed.), *Russia: Re-emerging Great Power*, 2007, London (UK), Palgrave Macmillan.

T-shirt of the pilot and must pedal, following his orders. Everyone in Russia knew who has been a pilot in the 2008-2012 period. The political essence of this artificial construction remains the same under Putin as Russia's President. In fact, Prime Minister Putin ruled all politics, including foreign affairs, during the rule of Medvedev as President; we do not foresee a radical change in the ruling regime in Russia if the riders will formally exchange places (positions in the state apparatus) after the elections in March 2012.

Of course, politically, economically, and socially Russia will change, but the changes will be visible only in the remote future, because this nation is mentally changing gradually and very unpredictably. And we are sure that this is true. This nation is a nation of patient and decent people. The ethno-psychological characteristics of the people in Russia have been formed over centuries and the Russian national character will not become much different in the foreseeable future. In the case of Russia, the national mentality together with the historical past is mainly responsible for continuities and not rapid changes; most likely the cumulative effects of the political and cultural factors along with a joint impact of the national economic and political history are responsible for the past and only partly for the present and upcoming changes.

There is every reason to believe that Putin is seeking to be the elected President of Russia on March 4, 2012. Given the inevitable continuation of the national "authoritarian-personalistic" mental system (in terms of the popular attitude towards governing), if Putin is successful, he (as the elected President) can easily and cheeky move from an old-fashioned authoritarianism to a new, modern type of authoritarianism, i.e. to a kind adjusted to the changed reality. But will he? As for the domestic liberal critics of Mr. Putin, we can say that today they are occupying the marginal position in the eyes of the public at large. The marginal position of the Russian liberals has, in our opinion, resulted not only from the efforts of authorities, but to a large extent from the exported ideas and personal behavior of the liberal opposition leaders themselves. They are really not concurrent to Mr. Putin at the elections in March 2012, yet they are supported by the West, a small part of liberal editors and a tiny group of the so-called "middle class street protesters against the results of parliamentary elections". It is easy to see the points in which our opinion differs from the diagnosis of the Western analysts.<sup>8</sup>

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<sup>8</sup> Compare with: Robert Horvath, "Putin's Preventive Counter-Revolution': Post-Soviet Authoritarianism and the Spectre of Velvet Revolution", *Europe-Asia Studies*, 2011, Vol. 3, No. 1, pp. 1-25.

The principal aim of the coming post-election period (or the next one-two Putin terms) is creating of the Eurasian Union, the new integration project that should replace the CIS or strengthen control over the so-called Hartland, if one prefers the old-fashioned geopolitical lexicon.<sup>9</sup> All kinds of politics will be subordinated to this aim.

The basic aim of social politics of the coming future is to smooth (a bit, at least) the hugest income inequality in this country. The authorities have no other chance but to rise up the standard of living of the ordinary Russians. Simultaneously, the government is keeping untouched the rich. Thus, the big government continues to ‘flirt’ with the military, teachers, physicians and other intellectuals, and, finally, with pensioners, making an impression of improving their living conditions and levels of living. In the protracted global economic crisis, such actions are almost inevitable.

The ruling elite understands that Russia needs improving of the business climate, reducing of the level of corruption, creating of a real competitive environment as well as the so-called “institutional reforms” – an actual judicial independence, fair elections with a real political competition, etc., and, perhaps, that is why the main rulers (President Medvedev personally) continue to speak about “modernization”. Everybody amongst the ruling elite agree that during the next Putin’s term Russia will have to carry out new economic modernization (the capitalist “tsarist or pre-revolutionary” modernization – number one, the Stalin’s “forced socialist” modernization (industrialization) in the 1930s – number two, the Gorbachev’s “acceleration” – number three, etc.), but not everyone amongst the ruling elite understands properly that full-scale modernization has also non-economic dimensions. “Overtaking (or catching up) the West” is not present Russia’s ideal. The nation as a whole is politically Left-oriented and the elections in December 2011 demonstrated it transparently clearly. In short, the term “modernization” is not perfect in the present (post-Soviet) Russian case. It is ideologically loaded and disorienting, in our view.

Mr. Putin made a statement clarifying his economic plan for the post-election terms in December 2011; then, the basic ideas of this plan were repeated in the so-called “Putin election program” released in January 2011. It became obvious that the ambitious goals linked with the Eurasian Union could be solved only within the framework of new “industrialization”; i.e. a new model of economic growth in which the principal driver would not be raw and powerful sectors of economy, but high-tech manufacturing business. Investments in the economy

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9 Zbigniew Brzezinski, *The Second Choice: Global Domination or Global Leadership*, 2004, New York, Basic Books.

over the next three years should be about 43 trillion rubles, that is nearly the entire volume of the country's GDP in 2010. The details of this plan are not clear today and without all details it looks more like an electoral declaration. To realize Putin's "new industrialization" plan will be extremely difficult in view of the upcoming large-scale social programs and the ongoing military reform. This part of Putin's election program is mixed with promises to rise up pensions, salaries of state employers, and other populist measures to be implemented in the coming future. Thus, the social, political, fiscal and economic policies as well as the security and foreign ones are inter-twinned.

Putin's opponents say that the very idea of "new industrialization" (a new proposal of a type of "modernization without modernity" as the one in the Soviet period) may seem to lead to two plausible scenarios of further economic development – either militarization and stagnation or just a stagnant economy, – of course, if one considers only 'favorable' scenarios. Putin program proponents angrily argue in a response that the nation will soon see who is right in predictions, and this debate is continuing endlessly. "Modernizing" economy is the main goal of Putin's economic policy, but nobody knows for sure if this goal is achievable considering the wake of the global financial crisis of 2008-2009 or the announced Russian economic modernization is just an electoral slogan. Concerning the Russian budget for the next three years (2012-2014) it is already known that the social costs will be reduced, while the military will be increased.

Up to date the Russian Federation's top political, military, and diplomatic and security staff have relied strongly on the national nuclear might for the security of the nation, despite the fact that nuclear weapons are perceived in today's world as weaponry of poor and weak nations and that according to the media, such a view is expressed more and more often. However, perhaps, they are right, in part at least. In fact, the national nuclear potential is the only reliable guarantee that nobody will attack your country today. Take a look at North Korea and Iraq. Even after the START-3 reduction Russia's strategic nukes are still an existential threat to the US and NATO because, as some Russia's military arrogantly say "we can destroy the entire planet in a half of an hour". The final elimination of Russia's nuclear weapons arsenal is still a remote target. Currently, Russia is renovating its nuclear stocks. The tactical nuclear weapons stocks are considered a basic military argument that makes Russia a real regional power.<sup>10</sup> The entire process of denuclearization of the Russian Federation is perceived by the military with great suspicion.

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10 Коробушин В. В., Ковалев В. И., "Тактический ход с тактическим оружием, *Независимое Военное Обозрение*, 18 Март 2011.



The national military might is an essential element of power. Putin's Russia is rapidly reforming the armed forces and the national military-industrial complex. The Russian armed forces are (and will likely be) a mix of conscripts and contractors (soldiers, NCOs and officers). The armed forces are changing because the share of contractors is slowly growing up and re-arming is on a march. By the end of the coming Putin's terms the Russian leadership wants to have a small, mobile, professional (or all-voluntary) and well-armed military force loyal to the ruling elite, i.e. to the President and state authorities. In our opinion, this goal is an indirect answer to the principle question (both for sociology and political science): "Who will be controlling the Praetorians in the future?" With such armed forces Russia will certainly not be a teddy-bear, but the crucial question is: Will the nation be a democratic one?

Russia's Presidents often make statements about the future of the army on the eve of the elections. The first statement on military reforming was made in 1996 by Boris Yeltsin, who signed the famous decree number 722 promising to cancel the call by 2000. Needless to say that Yeltsin election campaign rhetoric had never been implemented completely. Another attempt was made in 2003 by Vladimir Putin when he approved the Federal Target Program (FTP) with a cost of about 79 billion then rubles; the FTP planned to end in four years. Putin's opponents said in 2004: "Mr. Putin was re-elected on a nationalist platform of 'restoring' Russia's military greatness". The course of speeding of military reforming was continued by the incumbent President Dmitri Medvedev. By 2011, according to the plans of the Ministry of Defense, the Russian Army should have had 350,000 contractors within the army of about 1 million servicemen. It is not to the author's knowledge whether the plans were fulfilled at the time of writing the paper or not.

Here are some sociological facts for further consideration: trust in the armed forces in today's Russia is "relatively high" (table 1); the number of conscious absentees (about 500 persons) is actually "rather small" as compared to the total number of conscripts – over 100,000 men (here we are referring to the estimates of Western military sociologists made in private talks with the author). Do these facts help the reader find the correct answer to the question that was earlier made? We can only guess.

*Table 1. Russian public opinion on armed forces in 2011*

<b>Approve/ Disapprove</b>	<b>II.11</b>	<b>III.11</b>	<b>IV.11</b>	<b>V.11</b>	<b>VI.11</b>	<b>VII.11</b>	<b>VIII.11</b>	<b>IX.11</b>	<b>X.11</b>
<b>Russia's Army</b>	54 /25	49/ 30	45/ 33	49/33	46/ 32	44/ 33	48/ 33	41/ 35	48/35

Source: Data of the Russian Public Opinion Research Center (VCIOM – in Russian) nationwide surveys; the margin of error – less than 3.4% (<http://vciom.com/index.php?id=123>). The question wording is approximately as follows: “Do you generally approve or disapprove the ...?” (A closed question, 1 response).

Another important question is how the proposed rise of military spending impacts the Russian society and politics. The intellectual opponents of the military reforming insist that the way it is conducted today lead to the widest corruption amongst officials, plus further eliminating of ordinary people from power, plus extremely large income inequality and poverty, etc. Ordinary people rhetorically ask whether the continuation of reforming in the coming future will bring a relief to the military and the society at large. The uncertainty concerning the end of military reforming increases doubts in its efficiency.

Easy to say, the anti-Putin opposition “put all eggs into one basket” of criticism and thus, put opposition members under a back fire. In fact, there is a dispute over the general attitudes to lesser-fair market and democracy, because a bulk of that people took a pro-Western liberal point of view that the basic contradictions in the Russian society were autocracy versus democracy and closure versus openness of the country to the Western economic and cultural penetration. And we are not ready to say that the authorities have remained silent to the voices of the opposition; certain shifts are visible, yet the main opposition demands are ignored.

Mr. Putin insists that he will not repeat the former Soviet Union mistakes either in the political policy or in the defense strategy. He, at the same time, strongly and repeatedly emphasizes the urgent need to increase Russia’s defense expenses and to speed up the renovation of the Russian armed forces. The sophisticated so-called “smart” weapons and huge ocean submarines with a plenty of intercontinental missiles on board are being produced in the present-day Russia; and what we watch today is a new acceleration of arms race in the Russian Federation and the rest of the world as well. Putin’s opponents in Washington, Beijing and Moscow, in turn, raise the question: “Against what enemy the leader of Russia is preparing to fight?” And this is really a “hot”

question for the future. No matter what the politicians say while the nuclear stockpiles exist, each of the mentioned nations had no other bigger enemies than the opposite sides.

The reader remembers, of course, that in first half of the first quarter of the 21<sup>st</sup> century the climax of Putin's anger against the West as a whole, and the USA in particular, was his speech in Munich on February, 10 2007 at the International Security Forum. In our view, Russia's President had then certain reasons for expressing a deep disillusionment with the West because of his failed attempts to establish truly friendly relations with the USA: Putin's arguments could not stop the US withdrawal from the 1972 ABM Treaty in 2002; his concessions after 9/11 could not prevent the war in Iraq in 2003 with the consequent occupation of this country; Putin's warnings could not prevent making of the decision on deploying US interceptors in Europe close to Russia's borders and could not stop NATO's enlargement to the East promising to admit Ukraine and Georgia in the Alliance in the future, etc.

After Munich, Mr. Vladimir Putin was branded by the global media as a "disloyal friend" of the USA. We shall not debate here if this label was fair or not. The *Washington Post* columnist summarized the impression of Putin's Munich speech in following words: "He does not want to bury us; he only wants to diminish us. [...] Putin does not want us as an enemy. But at Munich he told the world that, *vis-à-vis* America, his Russia has gone from partner to adversary".<sup>11</sup>

Of course, there is no direct external enemy to the Russian state, but there are numerous threats to Russia's interests that exert impact from the outside world. And for this reason, we should all note that the assertion that there are no external threats refers to how the outside world is perceived by the elite is reflected in the Russian strategic documents. We are speaking of the basic strategic documents such as the National Security Doctrine of the RF, the Military Doctrine of the RF, the Foreign Policy Concept of the RF, the Sea Doctrine of the RF, the Information Security Doctrine of the RF, and alike. These documents will be re-worked and re-issued in/after 2012.

The basic domestic threats and external concerns, both military and non-military, are reflected in all documents revealing the national "grand strategy" (we use the American term which is not very popular among the Russian experts; we shall not tackle the issue of domestic threats here for the lack of

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11 Charles Krauthammer, "The Putin Doctrine", *The Washington Post*, 16 February 2007, A23 (on web).

room). Generally speaking, the doctrines and other relevant documents demonstrate the commitment of Russia to the use of a complex of political, diplomatic, legal, economic, environmental, information, military and other instruments to protect national interests of the country along with national interests of its allies and emphasize the need of evaluation and prediction of development of military-political situation at the global and regional levels, a shift from the one-center to the multi-center world as well as the current status of interstate relationships in the military-political sphere. How this encouraging commitment works or how a co-ordination of effects of various agencies is realized in practice are intriguing questions out of our paper.

Comparing the aforementioned documents issued in different periods of time it is easy to find out changes in perceptions of external threats and global challenges along with an impact of changes on the domestic socio-economic and political situation and on Russia's international environment as well; it is important to note that the most modern threats and contemporary security challenges such as cyber threats and alike are occupying the subordinate positions to traditional ones in almost all principal Russia's documents. This fact, in our opinion, reflects both the old-fashioned world-vision of aging security experts and the way of thinking of Russia's decision-makers; a detailed analysis of Russia's doctrinal documents takes us far from the paper. We have no room for a comparison of the US – or, larger, Western – strategies and Russian ones either.

After a long time of knocking, Russia became a member of the World Trade Organization (WTO). In means that Putin team's efforts are awarded. In this regard, we wish to emphasize the following: According to the Russian mainstream media numerous reports (please, allow us not to quote them), some members of WTO slowed Russia's entering the World Trade Organization because of their opposition to Russia's economic prospects, not a difference of values between Russia and the West as some Western observers said. But because of the link between the economy and national hard and soft power, the Russian access to the WTO has an important security and/or geopolitical sounding.

Happily, the new international conflict driven by geopolitics and backed by other motives has not broken out so far. And we expect calm development of international relations in the coming post-election period. Certainly, Russia will continue the US-European-Russian dialogue on TMD systems, terrorism and other collective security issues. No doubt, it looks absurd to discuss how to safeguard soldiers against small-range missile attacks while turning a blind eye to the practice of creating of advanced warheads and other kinds of smart weapons

under the cover of “successful” NATO-Russia or the US-Russia summits. But! Russia under Putin-Medvedev’s tandem backs any change that can dilute the American influence. In our view, this tendency will go on in the foreseeable future because of mutual mistrust, global rivalry, and non-essential reasons.

## LOOKING BACK AND LOOKING AHEAD

The Russians used to think of themselves as citizens of the fortress surrounded by enemies. The Putin administration is eager to use such a perception in the coming future. The rulers always use this mood during the election campaigns. In short: “Russia, as always, is surrounded by enemies, America and its minions are building plots, but the authorities are on alert in time and give enemies hand to hand”.<sup>12</sup> The target audience for the governmental propaganda is the one with people who are today about 40-50 years old, and, probably, those who are a bit younger. The ‘collateral’ task is the improvement of Russia’s “soft” power, whose current status is far from being desirable.<sup>13</sup>

Some Western colleagues said to the author that the perception of Russia as a nation within an unfriendly environment had been imprinted into brains of the Russian population during the Cold war. Perhaps, they are right – partly at least, no doubt. Yet, younger people, according to the author’s observations, have a vision of the nation’s place in the world a bit different than their parents and grandparents because they actively travel abroad and because they do feel themselves more modern and most likely they are freer people. (We are not talking in detail here how the eternal threats to Russia are perceived by the each age cohort.)

The Putin plan of creating the Eurasian Union as the Eastern analog of the EU during his third, and, probably, the fourth, presidential term is perceived by some Russia’s neighbors with a great skepticism and interpreted as an open intention to enlarge Russia to the borders of the former Russian Empire, to restrain the American influence in the post-Soviet space, to limit the power of the national/local bureaucracy, etc. They say approximately as follows (this is not a quotation): “The Russians cannot accept that someone else can control the neighboring states which they still view as parts of their great motherland, the

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12 A quotation taken from: [http://www.gazeta.ru/comments/2011/11/25\\_e\\_3847950.shtml](http://www.gazeta.ru/comments/2011/11/25_e_3847950.shtml) (in Russian).

13 Vladimir Rukavishnikov, “Russia’s ‘soft power’ in the Putin’s epoch”, Ch. 4 in: Kanet R. (ed.), *Russian Foreign Policy in the 21st century*, Palgrave, 2010, pp. 76-97.

former USSR.” Though this version contains some truth, it is, in our view, an oversimplification, being taken as a whole. Yet, we must agree that the implementation of the very idea of the Eurasian Union in practice needs an accumulation of all Russia’s assets and, certainly, has certain negative collateral effects. The entire idea is a logical continuation of Russia’s policy in the previous years; the relations with close neighbors will be subordinated to the principal aim of the coming Putin’s terms. For instance, in 2011, the post-Soviet Russia was accused of unleashing trade wars to force the Kremlin opponents to economic and political “compromises”, which were beneficial for Moscow. Unfriendly (towards Russia) views were expressed primarily in the GUAM countries (Georgia, Ukraine, Azerbaijan and Moldova). Do not forget, please, that the czarist’s Russia had never believed its neighbors, both in the West and in the East. They all paid to the Russian czarist authorities with the same coin.

In short, it is hard to foresee the radical change of the Russian foreign policy in the near neighborhood and the Balkans as well in the nearest future (we have no room to talk here about the “South Stream” project and the so-called “pipeline-diplomacy” in details).

In our view, the main security concern for the Russian authorities is not an immediate military threat from abroad, which they are actually not feeling today, but the internal threats caused by the non-stopped counter-terrorist operation in the area of Northern Caucasus, a growth of xenophobia, and some other domestic reasons. The reader may recall the famous phrase of Vladimir Putin “We’ll whack them [terrorists] at the outhouse” (the author’s translation from Russian into English). In reality, fighting against “them” is not an easy task. The Chechnya war was successfully finished in 2000 – formally at least, – but its remains are still burning. Look at the number and variety of terrorist actions in Russia since 9/11. Over the past 10 years in Russia, terrorists have blown up the metropolitan subway, planes, trains, the Domodedovo airport hall, and seized hostages in a high school, not to mention the numerous bombings in cafes and at bus stops, attacks on buildings and representatives of security agencies. This list confirms that the Russian local and federal authorities were, unfortunately (!), not prepared for terrorist attacks. Will they be ready the next time is a question to which we do not have the exact answer. Looking ahead, we can say that fighting against Muslim extremists/terrorists in this vast country will be continued and included in the list of priorities of the domestic politics.

Some people consider corruption and bribery the main internal threat to the present-day Russian state and society. However, in our opinion, today, the entire statement looks more like the temporal, electoral campaign slogan. Only

the future can show how effective are the measures to overthrow corruption amongst authorities at all levels. Others say that Islam is replacing communism as the unstoppable ideology and it is what is actually happening in the Muslim regions of the Russian Federation. And this ideological offensive is a major security threat! – Sounds great! If this appeal is not just a rhetoric statement, but a politically relevant one, then, in our opinion, it must be taken seriously.

### THE MOST URGENT NATIONAL PROBLEMS AND THE RUSSIAN PUBLIC OPINION

The decline of the Russian population is a real threat to the future of the nation in the 21<sup>st</sup> century. The attempts to change the present alarming situation have not been too effective so far. The fight against the demographic threat will continue in the years to come. This is a question of survival.

There are alarming statistical facts and demographic forecasts that should be mentioned. First, the country's population over the past 20 years has declined by about 5% and there are currently less than 142 million inhabitants. Second, from 1992 to 2010, there were about 12.5 million deaths more than births. Third, in the time remaining until 2025, the overall excess of deaths over births will amount, according to the various estimates, up to 9.5 million; yet the Russians average age will rise from 38.7 to 42.4 years, the proportion of people over 65 years will rise from 13% to 19%; according to the Human Mortality Database, the average life expectancy in Russia in 2009 (no more recent data) was lower than in 1961. All in all, it means that the nation is rapidly aging and likely dying.

Economists, on the contrary, optimistically say that if Russia stems a population decline, it can easily reach the level of gross national product (GDP) which matches those of the most successful developing economies or even developed European economies in the 2020s. We shall not argue about these projections. No room. But obviously a country enters a fundamentally new stage in its development because of the demographic and economic changes.

As for the mass emigration to the West, it is not a question on the national agenda and the public opinion polls prove this. According to the plain respondents, those Russian businessmen willing to leave the country are driven by the opportunity to increase their standard of life and not by ideological reasons; respondents do think that these people rarely achieve their goals.<sup>14</sup>

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14 ВЦИОМ, *пресс-релиз № 1394*, М., 28 сентября 2011 г. (The press release # 1394 of the VCIOM (the Russian Centre for Public Opinion Research) Moscow, September 28, 2011).

Here, we must say a few words about the migration to Russia or immigration as one of the most urgent problem heavily linked with the growth of xenophobia. According to the media, the demographic crisis in the historical ethnic Russian regions coupled with the growing influx of migrants from the Caucasus and Central Asia set the stage for new ethnic exacerbations in this country. And therefore, the immigration problem, which includes negative attitudes towards those ethnic Russians who came to the central provinces from both Northern Caucasus areas and formally independent ex-Soviet republics, should be regarded as an alarming one. In our view, the non-stop process of mass migration from neighboring states to Russia may lead to significant, if not radical, changes in domestic cultural patterns of the Russian life and even have an impact on the Russian social and political system in the foreseeable future.

The public at large has been very impressed by the nationalist protest rallies against immigrants in Moscow as polls show. Happily, the gloomiest forecasts have not come true so far. Keeping in mind the fruitless discussions of Russia's modernization prospects organized by the current presidential administration, it is important to note that a significant share of Caucasian and Central Asian immigrants is really interested in how to live and rise up their children in Russia, i.e. how to invest their physical efforts and intellectual capital in the Russian Federation. This makes the migrant problem really a 'long-playing' story.

Let us turn back to the defense policy. For the most of Russia's population, Moscow is absolutely right in an opposition to America and Europe on the issue of elements of US national missile defense (NMD) and NATO's anti-missile shield located near the Russian borders. But simultaneously, according to the polls, Russians are against the shift to a new Cold war between Russia and the West because of the issue concerning the missile defense; as they say, 'it might be a mistake of the 21<sup>st</sup> century'.

In plain words, the Russians asked Americans to say why the US defense shield interceptors were directed against the Russian intercontinental missiles that could be launched from the Western part of the RF; the reader might remember the moment when the Russian diplomacy did not rule out the possibility of just a joint political declaration on the issue, but got no positive answer from the opposite side. Here, we must say that, perhaps, some Europeans and Americans find it hard to understand, but, for the lack of trust to the West and the deeply-rooted anti-American attitudes the US and/or NATO plans for creating of anti-missile shields in Europe are perceived as provocative ones by the bulk of the Russians, who remember promising words about NATO expansion to the East, etc. As for Russia's demands to sign a mutually



obligatory legal agreement, Russia clearly wants to arrange that the problem of missile defense is not going anywhere and that any attempts to bypass or ignore it will not succeed. The legal side of agreement is debatable; the legal obligations are not the same as the political commitments. As for the subject there might be political commitments, but without legal obligations the pleasant wordings could easily be thrown away. According to the Russian TV and mainstream electronic media sources, the Russian military are confused about the real targets of the US NMD elements deployed in Europe and Turkey. We shall not speculate here about what would happen to a warhead after a successful boost-phase missile defense engagement, would it detonate or not after the intercept strikes the target.<sup>15</sup>

There is a Russian proverb, “Against whom should we be friends?” We do not know how old this proverb is. In the author view, the proverb reflects an age-long history of the nation. The history has demonstrated that the ideological characteristics of the ruling regime in Russia do not matter much. However, in the 21<sup>st</sup> century new global challenges come. One could name global climate changes and global warming, non-stopped population growth, non-finished fight against global poverty plus land degradation, a growing shortage of drinking water, international terrorism, human organs and drugs trafficking, and so on. There is no need to name all newly emerged threats and challenges here.

Is the climate change a real major global security threat? – This particular issue has been vividly discussed because of the forest fires around Moscow in 2010, hurricanes and other catastrophic events. As the opinion polls showed, ordinary people were concerned about plausible consequences of climate changes. It was an effect of alarming media reports; in our view, the public at large had been feared by “documentaries” broadcasted by TV.

Russian academics, being governmental advisors, are skeptical about the very idea of a huge human impact on climate processes. “Prospects for the current global warming are not very comforting, of course, but they are not as terrible as they are today considered by the media’, – say the Russian academic climate experts in private conversations (from the author’s archive). Frankly, in our non-professional opinion, they simply do not know how to deal with possible atmosphere disasters, ice melting, etc.

It is uneasy, if ever possible, to select global security issues from the fight for dominance in the world, for the global leadership, or whatever to name this

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15 Vladimir Rukavishnikov, “The US-Russian dispute over missile defense”, *Connections*, Vol. 7, No. 4, fall 2008, pp. 81-94.

issue. Russia's "skeptical" position concerning the UN ability to minimize effects of the global climate change is well known and documented. Dear reader, you should remember the failure of the UN summit on climate change in Copenhagen and perhaps, you do know that Russia is still skeptical concerning the idea of "green helmets" and it is not a pioneer in the so-called "green" politics. Well, in our view, the new Putin's terms will not bring a visible change in a "green" dimension, if something extraordinary does not happen in this domain.

The point we wish to notice in this regard is that climate changes are not occupying the first positions in the official list of immediate national security concerns of the Russian Federation. Perhaps, the Russian authorities "won't lock the barn door till after the horse is stolen" (sorry for using such a proverb).

The new global threats put under the question mark the entire existence of humans. All nations are responsible for the future of the mankind. And Russia feels its responsibility as well. The above-mentioned proverb, in our opinion, should be rephrased as against what will us becoming allies?" In the present-day circumstances this task becomes even more important than ever before.

"War may come from each side unexpectedly" – this simplest idea has been inherited from the past and is deeply implemented in brains of the Russian population. The growing flood of drugs and illegal migrants is registered on Southern Russia's borders, which are not sufficiently guarded. Neighboring China is perceived as an awakening giant. A plenty of illegal migrants come from this country. Please, do not forget that the most recent census has registered a significant decline in the Russian-speaking population of the Russian Far East and Siberia. People are leaving the mentioned areas partly because they are afraid Moscow cannot protect them. They simply have no means. As for the Western borders, they are always associated with the permanent threat of aggression, because during the last century all big wars came to this country from this direction. NATO is seen as a non-friendly military alliance, the main US military-political instrument in Europe by both the authorities and the public at large. The Russians do not forget the Balkan tragedy in the 1990s and the role of NATO in those events.

Ordinary Russians are sure that the recent events in the Middle East "smelt of oil" and that the main principle of international law is still the priority of force, despite official declarations about many other pleasant things. The way of Western conflict-resolution in the case of Afghanistan has demonstrated the limits of peacekeeping efforts of NATO backed by the US and also the inefficiency of any military solutions of crisis developments. As for the Russian

foreign policy, the unskilled Russia's diplomatic maneuvers around the Libyan (2011) crisis is a reflection of how top power-holders in this country interpret national interests, perceive threats, being potential and immediate, and, finally, understand modern geopolitics; the responsibility of the expert community should not be written out as well. Without going into details, we wish to point out the following idea: the chain of armed conflicts emerged during the first decade of the 21st century, including the Arab uprising (2011) and other events, has clearly shown that the entire constellation of powers in the political world is rapidly changing. The projections of the future are controversial.

The attentive reader may say that the Russians traditionally are looking with a great suspicion to all azimuths watching potential enemies. It is true, – partly, at least. Happily, after the Russia-Georgia military clash in 2008 political leaders on both sides of the Atlantic generally agree that the West and Russia are not returning to the Cold War – partly because the chilling of relations during that incident was not an ideology, but a conflict of political/geopolitical interests. And perhaps, that is why the international rhetoric today more likely refers to strategic partnerships, economic cooperation, spheres of influence and globalization (we are not rejecting other interpretations of those events). As the reader may know, Mr. D.A. Medvedev, the incumbent Russia's President, considers the entire post-Soviet space an inherited historical zone of the Russian national interest; such a statement he made in days of the Georgia-Russia armed conflict in 2008.

Well, national interest – geopolitical, economic, and alike, – is the main driving force of politics, while values are only a part of the basis for politics. This was a debatable thesis some time ago, but is a perfect one today, in our opinion. For sure, the US and Russian national interests confront each other in the entire Eurasian area, not to speak of the European and/or Chinese interests. Ordinary Russians express feelings of outrage at what they view as Western incursions into the post-Soviet republics through pro-democracy revolts and angrily react to any attempts to change the status-quo; the opinion polls demonstrated it transparently clear. Again for the lack of room, we shall not debate whether such a perception corresponds with the reality of time or not. What we wish to emphasize is that the Russians always feel responsibility for the entire post-Soviet area; they will continue to support such a policy in the future.

For Mr. Putin, the present-day global economic-financial recession is coming to an end and if the second wave of economic recession suddenly appears, according to his rhetoric, he can easily cope with it. Perhaps, he is sure about high oil prices in the nearest future and shares an opinion that the 21<sup>st</sup>

century is an age of various asymmetric small wars and numerous local conflicts caused mainly by interethnic contradictions, while a big nuclear war, the real third world war, is practically impossible. Vladimir Putin obviously believes that hydrocarbons play a key role in making Russia a global power in the first quarter of the 21<sup>st</sup> century. The Siberian oil and gas fields and likely Arctic fields, too, are certainly, at the back of his mind. Here, we should mention that at the very beginning of the 21<sup>st</sup> century Russia got the name “energy superpower”, “which one day may determine the global foreign policy”, but today this label is not valid any more (though it is funny enough to note that the “free” name has been picked up by Canada). We have to mark these points; that, which is formulated above, in our view, is a part of how the country sees Mr. Putin in the coming years; views of the people of his age do not change.

The feeling of mistrust to the USA is widely spread in Russia according to polls; and this feeling is a ground for popular appeals to the Russian authorities to rely basically on the national military might in any international talks. It also means that Putin’s rhetoric has found domestic audience. It is a part of the game that brings Putin success on elections. In our opinion, he personally will continue to play this game in the observed future. Thus, Putin administration can safely focus on the arms race, the great sports construction projects and not to worry much about the public protest rallies. And we doubt that the mentioned trend will be changed during the coming Putin terms. Perhaps, we could (or should?!) continue speaking of a “reset” of the regime of “competitive coexistence” between USA and RF. It means that national interests of both nations will be clinched in the foreseeable future, because the Putin’s dream to establish the Eurasian Union makes the US leadership not happy.

Here, we wish to say a few words about the regime of “competitive coexistence”. In our view, it may be useful to rethink the certain similarities that exist between today’s global challenges and those that were faced or anticipated in the last (20<sup>th</sup>) century. For instance, in retrospect, there was an impressive record of Soviet and American cooperation in restraining competition, what likely seemed to lead to war. This pattern could be replicated in the 21<sup>st</sup> century. The assumptions underlying such an approach are as follows: 1) that the Russian Federation has interests that go beyond simply perpetuating the post-Cold war international system; and 2) that the Russian Federation can better secure its national interests by seeking the Western (American, first of all) cooperation despite all existing discrepancies rather than on a way of confrontation.

If one bears in mind a visible shift of Russia’s economic interests to the East, an improvement of trade relations with China, etc., the conclusion

concerning the future US-Russia-Europe relationships will be the same. As it is said, the “regime of competitive coexistence” is coming back; yet the rivalry is and will likely be not as strong as it was between the Soviet Union and USA in the past. Today, of course, even in the worst nightmares no one can imagine an armed (nuclear) conflict between the former rivals. However, the historical memory in both nations has not gone away and it is a source of mutual mistrust.

### CONCLUDING REMARKS

We have considered only few general themes where sociology is linked with politics and geopolitics. The calendar prompts reappraisals of the views as well as of the past trends. And therefore, we have been cautious in the projections of the future because we are not satisfied with most forecasts. We have wished to emphasize the following simple idea: the plans and intentions are one thing, while the military capabilities and the military installations – another; the first thing is non-material, the second is a material one. History proves it. We kept in mind the difference between military budgets – Russia’s budget is smaller than the American one about 10 times and smaller than the Chinese one at least 3-5 times. We do agree that contemporary Russia strongly needs foreign investments for developing of its overall economy. But also we know that there investors have are a lot of concerns. What is really important to bear in mind in view of the “gloom” of Russia’s potential is that it does not need dramatic economic growth rates. It just needs to avoid crises and conflicts.

The feeling of mistrust towards the Western partners is a basis of the so-called “moderate anti-Americanism” of Mr. Putin. And we doubt that the mentioned trend will be halted during the coming terms. Using the term “anti-Americanism” we do understand that it is not a very intelligent and correct word, yet, it is used by the media quite frequently. It should be noted that the term “America” actually refers to the whole hemisphere making the term “anti-American” also a sign of geographical confusion. We speak of an open anti-US attitude of the personality or as it showed in public.

As for US-Russia relations, please, let us remind of the Ronald Reagan’s phrase “Trust, but verify”, which was a good guiding principle for Cold War arms negotiators in the 1980s and is still apt for today’s US-Russia fragile reconciliation.<sup>16</sup> Despite the problems temporal settlements may cause,

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16 James F. Collins and Mathew Rojansky, “Why Russia Matters. Ten reasons, why Washington must engage Moscow”, *Foreign Policy*, August 18, 2010 (on web).

Washington and Moscow leaders and the public at large should not overstate their importance for the overall reconciliation process.

In our opinion, within the changing global context Russia's relations with China, India, and, of course, Iran not merely reduced to trading, but they basically about influence the global arena. International trading – even arms trade, which Russia does rather well, – is also an important engine for internal economic growth and modernizing of the aging Russian huge military-industrial complex and for sustaining the Russian economy as a whole. For Russia's administration, the American permanent pressure on Iran – from the decision to limit sales to Iran in 2001, to stop Tehran nuclear enrichment program in 2005 and so forth. Thus, I think that it was and it is not just about the losses of Russian revenues linked to the failed economic contracts, but about diluting Russia's 'soft power' undermining Russia's re-emerging international influence.

If Mr. Putin returns to the Kremlin for the third presidential (now 6-years) term, he will put his nation into an inevitable search for new politics, but, in our opinion, the essence of Russian security and foreign policies is not to be changed dramatically and in a moment. Frankly, during the reign of President Medvedev (2008-2012), the author has had a feeling of *déjà vu*, when witnessing how a certain way of using pressure in international affairs was considered "legitimate", how political disputes pertaining to foreign policy and international relations were stirring up, how they were covered by the local and international media, and how they were settled, how tough rhetoric does not lead to nothing. The reference to so-called "tandem's" foreign policy does not help much.

As for the coming future, it seems that Russia will not allow the so-called "Libyan (2011) scenario" to repeat in Central Asia and Kazakhstan, yet it respects the right of nations for self-determination alike other provisions of international law which is still full of controversial principles. Here we disagree with those colleagues who argue that "the Eurasian region continues to disintegrate and neither Russia, nor the West has been able to arrest the destabilizing dynamics".<sup>17</sup>

Please keep in mind, dear reader, that today's Russia is very different from the USSR. So is the Russian perception of the forces that drive international

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17 Andrei P. Tsygankov, "The heartland no more: Russia's weakness and Eurasia's meltdown". *The Journal of Eurasian Studies*, 2012, Vol. 3, No. 1, pp. 1-6.

relations in the first quarter of the 21<sup>st</sup> century. And Russia suggests that the West should acknowledge these differences, for instance, when engaging this country into a new alliance to prevent Iran from becoming a nuclear power. The coincidence of national interests of Saudi Arabia (the main regional rival of Tehran), Israel (Tehran's enemy number one), and the USA (the nation is striving to solve the so-called "Iran nuclear issue" by military force serving as the world hegemony) makes the use of force against Iran more likely than before, especially if one bears in mind that the psychological and propaganda preparations for this action are under way. (We are here talking about the motives, principles and mechanisms for making major international decisions. The leaders should be careful with threatening gestures and alarming words in the case of Iran, in our view. The diplomatic activity around Iran and Syria creates a collision, the outcome of which depends on more factors than just wishes of Putin or Obama).

The creation of Eurasian Union, the Putin's greatest target, in our opinion, is unreachable without significant improvement of Russia's hard and soft power in the foreseeable future. The Russian politics will be subordinated to the main task. Moscow will go ahead to implement Putin's re-integration plan into practice despite the US objections. The today's problem is not whether Russia and the USA are slipping into a new Cold War or not, but the 'reset' of relations between the Russia and the West as a whole.

In late October 2011, the Right-Liberal electronic Russian media source wrote: "John Beyner, the speaker of the US House of Representatives, directly accused the Russian government and Putin personally for using Soviet foreign policies, having nostalgia for the Soviet Union and calling for a reversal of the "reset" between Moscow and US, while never actually "resetting" Russia's foreign policy... A potential boon to Putin administration would be the election of a republican US President whose foreign policy stance would almost certainly contain strong anti-Russian rhetoric. If that happens, the Russian foreign policy could be built upon the tradition pattern that exploits the old (Soviet) views of the West, thus mobilizing the Russian population. Abroad, though, a mutually beneficial project with selected foreign companies would be allowed to continue its work in order to buy the loyalty of Western elites and secure oil and gas money. The question that remains is – Would the financial resources of such a foreign policy dry up in a worsening global economic climate".<sup>18</sup>

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18 Opinions: "Cold War premonitions", *Gazeta*, 2 November 2011.

Let us leave this projection without broad comments. It seems to us that, first of all, there is a need to rid of political “antipathy” that blinds critics of Russia’s advantages such as its strong position in technology, education and so on. Second, Putin’s return as Russia’s President does not meet applauses either in the Western media or in the domestic Right-wing (Liberal) media. But is this fact unexpected? For sure, critics of “personalized power” are afraid of reality. Third, Putin’s “soft cult of personality” is strong indeed and nobody in the world knows when it will pass away. In truth, the ex-spy’s character has not changed, Putin simply only matured. Fourth, a possible victory of Republicans at the next US presidential elections, in our opinion, may (or will) lead to an increase of political competition (or confrontation, if the reader prefers this word) amongst the post-Soviet nations showing no interest in a prolongation of the American global hegemony into the depth of the 21st century and gathering around the Russian Federation. For this reason, plus a clash of national interests, it will be more difficult to implement in practice the new version of the US-Russia politics of *détente*. And fifth, last but not least, it is premature to speak whether the character of US-Russian and/or Russia-EU relations will change after the 2012 presidential elections in USA or not and guess how. Contemporary Russia is no easy partner for the United States of America and the European Union. It demands, perhaps, more respect than the Americans and the Europeans are eager to show, but, in our opinion, in some plausible circumstances co-operation between the former rivals is inevitable. And let us forget about “making friends”! There is no point.

#### LITERATURE

1. Rukavishnikov, Vladimir, “Putin’s politics and the Russian political culture”. *Central European Political Sciences Review*. Vol. 10, No. 36-37, Summer- Fall 2009, pp. 9-39. On the topic also: Rukavishnikov V. (2011). “The Russian political culture at the beginning of the 21<sup>st</sup> century”. On web: <http://biblio.juridicas.unam.mx/libros/7/3018/14.pdf>. These articles are versions of the presentation made at the International Seminar organized by the National University of Mexico on October 2009.
2. Rukavishnikov, Vladimir. “Reminding the year of 1993 and re-thinking the Russian transit in retrospect”. *Central European Political Sciences Review*. Vol. 11, No. 2, winter 2010, pp. 68-85.
3. Kanet, Roger (ed.), *Russia: Re-emerging Great Power*. 2007, London (UK), Palgrave Macmillan. See also: R. Kanet (ed.) (2009). *A resurgent Russia and the West: the European Union, NATO and beyond*. Dordrecht (The Netherlands) / St. Louis, MO (USA): Republic of Letters Publishing BV.



4. Sakwa, Richard, “Putin’s Leadership: Character and Consequences”. *Europe-Asia Studies*, 2008, Vol. 60, No 6, pp. 879-897. On web: <http://dx.doi.org/10.1080/09668130802161132>.
5. Horvath, Robert. “Putin’s Preventive Counter-Revolution’: Post-Soviet Authoritarianism and the Spectre of Velvet Revolution”, *Europe-Asia Studies*, 2011, Vol. 3, No. 1, pp. 1-25. On web: <http://dx.doi.org/10.1080/09668136.2011.534299>.
6. Brzezinski, Zbigniew. *The Second Choice: Global Domination or Global Leadership*. 2004, New York: Basic Books. See also: Zbigniew Brzezinski, *The Geostrategic Triad: Living with China, Europe, and Russia* (Center for Strategic & Int’l Studies, 2000); Zbigniew Brzezinski, *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*. Basic Books, 1997.
7. Korobushin V. & Kovalev V. (Коробушин В. В., Ковалев В. И). “Тактический ход с тактическим оружием (Tactical move with tactical weapons)”. *Независимое Военное Обозрение (Nezavimoe Voennoe Obosrenie – Independent Military Review)*, 18 March 2011 (in Russian); on web: [http://nvo.ng.ru/concepts/2011-03-18/1\\_tactic.html](http://nvo.ng.ru/concepts/2011-03-18/1_tactic.html).
8. Krauthammer, Charles, “The Putin Doctrine”. *The Washington Post*, 16 February 2007, A23 (an on-line version).
9. Rukavishnikov, Vladimir, “The US-Russian dispute over missile defense.” *Connections*, Vol. 7, No. 4, fall 2008, pp. 81-94.
10. Rukavishnikov, Vladimir. “Russia’s “soft power” in the Putin’s epoch”. Ch. 4 in: Kanet R. (ed.). *Russian Foreign Policy in the 21st Century*. Palgrave, 2010, pp. 76-97.
11. ВЦИОМ, *пресс-релиз* № 1394, М., 28 сентября 2011 г. (The press release # 1394 of the VCIOM (the Russian Centre for Public Opinion Research), Moscow, September 28, 2011; in Russian).
12. Collins, James F., Rojansky, Mathew, “Why Russia Matters. Ten reasons, why Washington must engage Moscow”. *Foreign Policy*, August 18, 2010 (on web in autumn of 2011).
13. Tsygankov Andrei P., “The heartland no more: Russia’s weakness and Eurasia’s meltdown”. *The Journal of Eurasian Studies*, 2012, Vol.3, No. 1, pp. 1-6. On web: <http://doi:10.1016/euras.2011.10.001>. See also on topic: Walter Laqueur, *Russia’s Muslim Strategy* (National Security Studies Program, Weatherhead Center, Harvard University), November 2009. On web: <http://blogs.law.harvard.edu/mesh/2009/11/russias-muslim-strategy/>
14. Opinions: “Cold War premonitions”, *Gazeta. ru*, 2 November 2011. On web: [http://en.gazeta.ru/opinions/2011/11/02/a\\_3814762.shtml](http://en.gazeta.ru/opinions/2011/11/02/a_3814762.shtml).
15. Rukavishnikov, Vladimir, “Putin’s politics and the Russian political culture”, *Central European Political Sciences Review*. Vol. 10, No. 36-37, Summer-Fall

- 2009, pp. 9-39. On the topic also: Rukavishnikov V., (2011). “The Russian political culture at the beginning of the 21<sup>st</sup> century”. On web: <http://biblio.juridicas.unam.mx/libros/7/3018/14.pdf>. These articles are versions of the presentation made at the International Seminar organized by the National University of Mexico on October 2009.
16. Rukavishnikov, Vladimir, “Reminding the year of 1993 and re-thinking the Russian transit in retrospect”, *Central European Political Sciences Review*. Vol. 11, No. 2, winter 2010, pp. 68-85.
  17. Kanet, Roger (ed.), *Russia: Re-emerging Great Power*. 2007, London (UK), Palgrave Macmillan. See also: R. Kanet (ed.) (2009). *A resurgent Russia and the West: the European Union, NATO and beyond*. Dordrecht (The Netherlands) / St. Louis, MO (USA): Republic of Letters Publishing BV.
  18. Sakwa, Richard, “Putin’s Leadership: Character and Consequences”. *Europe-Asia Studies*, 2008, Vol. 60, No 6, pp. 879-897. On web: <http://dx.doi.org/10.1080/09668130802161132>.
  19. Horvath, Robert, “Putin’s Preventive Counter-Revolution’: Post-Soviet Authoritarianism and the Spectre of Velvet Revolution”, *Europe-Asia Studies*, 2011, Vol. 3, No. 1, pp. 1-25. On web: <http://dx.doi.org/10.1080/09668136.2011.534299>.
  20. Brzezinski, Zbigniew, *The Second Choice: Global Domination or Global Leadership*. 2004, New York: Basic Books. See also: Zbigniew Brzezinski, *The Geostrategic Triad: Living with China, Europe, and Russia* (Center for Strategic & Int’l Studies, 2000); Zbigniew Brzezinski, *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*, Basic Books, 1997.
  21. Korobushin V. & Kovalev V, (Коробушин В. В., Ковалев В, И). “Тактический ход с тактическим оружием (Tactical move with tactical weapons)”. *Независимое Военное Обозрение (Nezavisimoe Voennoe Obosrenie – Independent Military Review)*, 18 March 2011 (in Russian); on web: [http://nvo.ng.ru/concepts/2011-03-18/1\\_tactic.html](http://nvo.ng.ru/concepts/2011-03-18/1_tactic.html).
  22. Krauthammer, Charles, “The Putin Doctrine”, *The Washington Post*, 16 February 2007, A23 (an on-line version).
  23. Rukavishnikov, Vladimir, “The US-Russian dispute over missile defense”, *Connections*, Vol. 7, No. 4, fall 2008, pp. 81-94.
  24. Rukavishnikov, Vladimir, “Russia’s “soft power” in the Putin’s epoch”. Ch. 4 in: Kanet R. (ed.). *Russian Foreign Policy in the 21st century*. Palgrave, 2010, pp. 76-97.
  25. ВЦИОМ, *пресс-релиз № 1394*, М., 28 сентября 2011г. (The press release # 1394 of the VCIOM (the Russian Centre for Public Opinion Research), Moscow, September 28, 2011; in Russian).
  26. Collins, James F., Rojansky, Mathew, “Why Russia Matters. Ten reasons, why Washington must engage Moscow”, *Foreign Policy*, August 18, 2010 (on web in autumn of 2011).

27. Tsygankov, Andrei P., “The heartland no more: Russia’s weakness and Eurasia’s meltdown”, *The Journal of Eurasian Studies*, 2012, Vol. 3, No. 1, pp. 1-6. On web: <http://doi: 10.1016/euras.2011.10.001>. See also on topic: Walter Laqueur, *Russia’s Muslim Strategy* (National Security Studies Program, Weatherhead Center, Harvard University), November 2009. On web: <http://blogs.law.harvard.edu/mesh/2009/11/russias-muslim-strategy/>
28. Opinions: “Cold War premonitions”, *Gazeta, ru*, 2 November 2011. On web: [http://en.gazeta.ru/opinions/2011/11/02/a\\_3814762.shtml](http://en.gazeta.ru/opinions/2011/11/02/a_3814762.shtml).

***Prof. dr Vladimir RUKAVISHNIKOV***

**MEDVED I SVET: PROJEKCIJE RUSKE POLITIKE POSLE  
PUTINOVOG POVRATKA U KREMLJ 2012**

**APSTRAKT**

U članku autor govori o projekcijama ruske politike posle povratka Vladimira Putina u Kremlj 2012. Pažnja je usmerena na pitanja bezbednosne i spoljne politike. Autor ih razmatra zajedno sa pitanjima vezanim za unutrašnju politiku. U delu članka se istražuje kako predloženo povećanje sredstava za vojne potrebe utiče na rusko društvo, državnu politiku u celini, kao i na druga relevantna pitanja. Autor insistira na tome da povećanje/smanjenje temperature na relaciji SAD-Rusija i Rusija-EU teško da može da bude samo briga Rusije.

*Ključne reči:* Rusija, Putin, bezbednosna i spoljna politika, projekcija.

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## THE PROBLEM OF TRUTH IN WAR CRIMES TRIALS

### ABSTRACT

The author discusses the relationship between the truth and criminal trial in general, with a special focus on war crimes trials and their consequences for the fragile processes of consolidation of violated collective identities in post-conflict states. The authors challenge the idea that a criminal trial is a search for the truth, and present a philosophical argument to the effect that the trial is in fact an event conforming to the model of what the author calls “quasi-epistemological games”, rather than the model of an epistemological engine. The purpose of the trial is quasi-epistemological, because the model of an epistemological engine entails that the trial is primarily a search for the truth, while this is not the case with criminal trials in general, and especially with war crimes trials. He argues that, while the criminal trial readily invites the truth of the events if it is discovered, it can be and often is both valid and valuable regardless of whether “the truth, the full truth, and nothing but the truth” is discovered in its course.

*Keywords:* Search for the truth, quasi-epistemological games, legitimacy, war crimes, trials, collective identities.

### TRUTH AND LEGITIMACY OF CRIMINAL TRIALS AS AN ISSUE

**R**elatively extensive discussions of the relationship between the truth and the outcome of a criminal trial have been led in legal theory over the past several decades. Most have acknowledged that the truth, while undoubtedly a legitimate goal, is not the only goal of a criminal trial,

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and that the trial may KOLwell satisfy the procedural requirements of a democratic legal system and still fail to reach the truth.<sup>2</sup> In other words, legitimate trials may and do sometimes reach decisions that are procedurally correct, yet they are substantively wrong, because they do not establish the truth of the events under consideration. Whether or not such trials are unjust simply because their conclusions are untruthful is the large issue behind most of these debates; it is, however, not an issue that this paper can address. My contention here is to establish that any controversies *vis-à-vis* the justice of criminal trials that arise from their ability to retain procedural legitimacy and still fail to find out the truth obtain in an amplified form in war crimes trials. This is due to the specific set of circumstances that makes some aspects of criminal responsibility for war crimes a more complicated issue than is the case with most other criminal trials. Additionally, the contention of the paper is that criminal trials remain valid and valuable despite these epistemological deficiencies, because their primary goal, contrary to what is widely believed, is not to establish the truth, but to perform a socially optimizing function for the victims and victim communities. Again, this, in my view, holds for any criminal trial, but especially so for war crimes trials.

The traditional view of criminal trials that has recently been summed up by Larry Laudan, who writes that “a criminal trial is first and foremost an epistemic engine, a tool for ferreting out the truth from what will often initially be a confusing array of clues and indicators.”<sup>3</sup> This is a view contrasted with the reality of criminal law, which contains both procedural elements and outcomes that all parties to the process are aware are neither true, nor conducive to the truth. Perhaps the most common way to criticize the view that criminal trials are predominantly epistemological engines is to point out the elements of a criminal trial that militate against a quest for the truth. Restrictions on the judicial admissibility of evidence that is known to

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2 See, for example, Jenny McEwan, “Ritual, Fairness and Truth: the Adversarial and Inquisitorial Models of Criminal Trial”, in: Antony Duff et al. (eds), *The Trial on Trial: Volume One — The Truth and Due Process*, Hart Publishing, Oxford and Portland, Oregon, 2004, pp. 51–70; Heike Jung, “Nothing but the Truth? Some Facts, Impressions and Confessions About Truth in Criminal Procedure”, in: Antony Duff et al. (eds), *The Trial on Trial: Volume One — The Truth and Due Process*, Hart Publishing, Oxford and Portland, Oregon, 2004, pp. 147–156; Robert Hochman, “Brady vs. Maryland and the Search for Truth in Criminal Trials”, *The University of Chicago Law Review*, 63 (4), 1996, pp. 1673–1705.

3 Larry Laudan, *Truth, Error and Criminal Trial: An Essay in Legal Epistemology*, Cambridge University Press, Cambridge, 2006, p. 2.

be true, because of the way in which it was obtained safeguards rights and values that are perhaps no less important than the right to the truth in a criminal trial. The attorneys' privilege to refrain from telling the truth, even in situations when public interest or taste clearly demand such disclosure, testify to the observance of rights of the defendant which the right to the truth clearly does not over-ride in a criminal trial.

Ideally, the trial climaxes in a verdict that is both true and optimally satisfying for the procedural rights of all the parties involved, including both the offender and the victim (if there is an identifiable victim). However, a trial may achieve the latter without reaching the former — the truth, and can still be considered valid, despite its untruthfulness. In such a case, the trial is valid, but the procedural correctness does not by itself make the trial valuable to either the victim or the community that is directly or indirectly victimized by the crime. In order for a trial to be valuable, in addition to conforming to procedural requirements, it must play a social role that allows victims to achieve closure.

The organization of a criminal trial in modern adversarial systems provides ample evidence that the truth is not a necessary goal. The focus here in on the adversarial systems, however this is not meant to suggest that the so-called "inquisitorial" systems are factually any more truth-conducive. While the general picture of the two systems is that the adversarial trial is a game based on the idea that "if each side fought hard to present its own arguments, the truth would emerge from the collision of truth and error" and the inquisitorial trial allows the judge to play the lead role and both hear witnesses and find out the facts in search of the truth, the practical outcomes of inquisitorial trials do not necessarily contain more truth than those of the adversarial systems. In addition to the prerogative to hide the truth in legal representation, the criminal trial compromises the value of truthfulness on a deeper level, through the presumption of innocence that is one of the landmarks of a democratic criminal justice system. While the presumption of innocence entails that the entire burden of proof is on the prosecution, on an epistemological level this conceptual setting entails that the verdict is not necessarily based on the truth. Namely, the presumption of innocence means that the defendant is found "not guilty" if the guilt cannot be proven beyond reasonable doubt; however the fact that the guilt cannot be proven does not entail that factual innocence is proven: one may be factually guilty and legally "not guilty", the latter entailing that sufficient evidence of guilt is lacking, but not entailing that the offender did not commit the crime. "Just as,

in the clinical trial of a drug, the failure to prove a drug's efficacy is not proof that the drug is non-efficacious, so the failure to prove a defendant's guilt is not proof that he did not commit the crime".<sup>4</sup>

The presumption of innocence is there to address the absence of equality of arms between the state and the accused in a criminal trial, taking account of the fact that the state is overwhelmingly superior in resources and power when compared to the individual. However, protecting the individual by placing the burden of proof on the state does not necessarily serve the goal of discovering the truth.

One could argue, of course, that all the procedural restraints on the prosecution and the police, as well as the seemingly broad rights conferred on the defense to hide or circumvent the truth serve a broader epistemological goal, that is to prevent excesses in the pursuit of a conviction by the state. While in some cases such excesses might lead to the truth more directly, in other instances they could make the truth hopelessly unattainable. In other words, one may argue that the current procedural regulation of the criminal trial in the adversarial system is a useful balance that aims to achieve an optimum in truth-seeking, while not being able to find out the truth in every trial. The utilitarian argument would thus suggest that the current system is geared to making sure that „on balance” the trials tend to produce truthful outcomes, while the price for this is the epistemological game that, admittedly, leads to some untruthful judicial outcomes. In other words, crudely put, the system aims to provide justice in most cases, while necessarily including some legitimate trials where factually innocent people will be found guilty and some factually guilty people will be found innocent.

Clearly the adversarial system allows some guilty people to walk free, and this is not what concerns us the most; one is taught to be much more concerned about those innocent people who may be found guilty. The crux of the argument, however, is in the acknowledgement that the truth in a criminal trial, while certainly desirable, is sometimes unattainable, and that trials are held as the best known way for society to address crime, against the awareness that some trials will be fair, but will not result in the truth being found out. The justification of imperfect criminal trials may be sought in their broader social mission, be it social control alone, or a desire to mete out justice between the offender and society or the offender and the victim.

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4 Ibid.

The complexity of the relationship between the truth and other values in a criminal trial is well illustrated by the role played by the presumption of innocence. The history of jury trials shows that until the end of the eighteenth century jurors were sworn to deliver “a *true* verdict”, rather than to judge based on a balance of doubts (“beyond reasonable doubt”), as has been the case later. The former was changed not because the latter would enhance the truth-seeking in a trial, but because it addressed the issue of rights that were quite separate from, and additional to, the quest for the truth. In the former context (“delivering a true verdict”), the jurors could reach a materially true verdict in a particular trial, but could easily harm the rights of the accused and fail to uphold a standard of proof that would generally be thought to guarantee that in other cases an innocent person would not be condemned. Conversely, in the latter context (reasonable doubt), they could acquit based on the procedural considerations of right, while failing to deliver a true verdict. In both cases the truth and other values are balanced differently.

All of the above considerations apply with additional force to war crimes trials, because, quite apart from the procedural script of the judicial-epistemological game that the criminal trial generally is, war crimes trials involve issues of factual truth far beyond the scope of those characteristic of “ordinary” trials. One of the key elements in processing war crimes is intelligence; especially in high profile cases, intelligence places a crucial role in the trial, while the way in which it is collected, processed, selected and used to launch a war crime prosecution is potentially a highly epistemologically challenging aspects of the war crime trial itself that relates to a potentially critical vagueness of facts.

## WAR CRIMES TRIALS AND THE VAGUENESS OF FACTS

Wars are essentially political affairs, and war crimes take place within a profoundly political context, where circumstances are so complex that no independent observer would be able to grasp the full truth of the events without assistance by the insiders. Lines of subordination help to an extent, and the principle of command responsibility that holds commanding officers liable for the crimes committed by the subordinates is designed to cast a semblance of order upon the often chaotic circumstances surrounding war crimes. Just as military operations are affairs opaque to the average member of the public, and can be neither successfully run, nor properly understood without valid intelligence, war crimes, which take place amid such operations, are also both facilitated and later explained by intelligence.



Intelligence data, once they become official reports, are treated as evidence in war crimes trials, yet such data are usually far from indubitable or comprehensive. The relationship between intelligence and the political leaders is a complex one, with both the provider of intelligence (the intelligence community) and its consumer (policy makers) influencing each other. With both partners in the intelligence relationship ultimately depending on each other, their animosities and mistrust (often due to politicians being unwilling to accept discouraging news, or intelligence analysts failing to recognize the politicians need for encouragement) are destined to be reconciled in a compromise relationship. In a working long term relationship between an intelligence agency and her consumers, both will have to act acceptably to the other side, and this means that politicians will have to heed the warning of the intelligence community in the most important cases, while the intelligence community will have to select and formulate its conclusions and reports in ways acceptable to the policy makers. The interpretation of such intelligence as evidence in war crimes trials is often extremely challenging.<sup>5</sup>

War crimes trials convey moral judgments that, while not perfect, do help stabilize the identities of those affected by the crimes. The experience of being a victim or belonging to a community victimized by a war crime is an identity-shattering one: without an external acknowledgement of the shattering nature of the crime and the appropriate moral judgment of the perpetrators, identities may remain unstable for the rest of a lifetime. Punishing war criminals is thus more a ritual that helps those affected re-assert themselves than a quest for the full truth: this is what “closure” means for most victims of war crimes. The vagueness of facts that plagues most war crimes trials does not significantly affect this moral function of the punishment meted out at such trials.

War crimes trials also assist the outside observers in re-asserting their moral high ground and consolidating their self-perceptions, especially after policy failure. This certainly applies to situations such as that in Rwanda, where “about 800,000 Tutsi were killed in a four-month period between April and July 1994; distant powers did next to nothing while one of the worst genocides the world had seen in five decades was carried out”.<sup>6</sup>

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5 Richard K. Betts, “Two Faces of Intelligence Failure: September 11 and Iraq’s Missing WMD”, *Political Science Quarterly*, 122 (4), Winter 2007–8, pp. 585–606.

6 Michael Brown & al., “Introduction”, *The International Dimensions of Internal Conflict*, MIT Press, Massachusetts, Cambridge, 1996, p. 11.

In the post-genocide Rwandan society polls were conducted to assess the attitudes to the International Criminal Tribunal for Rwanda (ICTR) and the trials launched by it: the results were highly critical of the international justice achieved through ICTR in spite of the fact that this was a society where wives married to Tutsi husbands had to watch their husbands being massacred and proceed to remarry so as to sever any ties to the Tutsi. The trauma of the genocide did not mean that people supported the ICTR, with most respondents suggesting that the Tribunal ‘try to avoid corruption by resisting influences by the powerful states.’<sup>7</sup> Rwanda was not the only case where the perceptions of the international involvement cast serious doubts even among the victims who were allegedly protected:

“Multilateral actions were taken in Bosnia and Somalia, but they failed to bring the armed conflicts in these countries to a speedy end. More than three years of slaughter in Bosnia made a mockery of international efforts through the EU, NATO, and the United Nations to bring fighting to an end. The UN force in Somalia was withdrawn in March 1995—the struggle for power among warlords continued. The credibility of the world’s major powers, the multilateral organizations through which they often operate, and the international community in general has suffered.”<sup>8</sup>

Outside perceptions tend to isolate places and contexts so as to exclude the responsibility of the outside observers, and often take place in a mental setting painted vividly by Richard Cohen when he describes Bosnia: “Bosnia is a formidable, scary place of high mountains, brutish people, and tribal grievances noted in history and myth born of boozy nights by the fire. It’s the place where World War I began and where the wars of Europe persist, an ember of hate still glowing for reasons that defy reason itself.”<sup>9</sup> The trials of the Bosnian killers take place in a global context of such perceptions, and indeed they serve their purpose by primarily catering to the needs of destabilized self-image and sense of clear identity by the international community, which had largely failed in preventing the genocide in Bosnia,

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7 Anastas Shyaka, “Justice and Reconciliation in Post-Genocide Rwanda: Assessing the Impact of the International Criminal Tribunal for Rwanda”, *Review of International Affairs*, LVIII (1130–1131), 2008, pp. 15–25.

8 Op. cit., Michael Brown & al., “Introduction”, *The International Dimensions of Internal Conflict*, MIT Press, p. 11.

9 Richard Cohen, “Bosnia’s Cause is Lost and so, probably, is NATO”, *International Herald Tribune*, 30 November 1994, p. 4.

while having troops on the ground. The very context and the perceptions often bend the truth. However, what matters to the victims and their families is not whether or not Bosnia is a brutish place, for they know that it is not; what they want to see is a clear moral judgment passed on those who had destroyed their lives and those of their close ones. Such a purpose, while it can be served by the war crimes trials, does not necessarily require the trials to yield the truth of the facts, let alone the “full truth”. Trials can serve this purpose and be “valid” in allowing the victims and their families to consolidate their own self-image and ability to believe in a future life in their communities, without necessarily painting a fully accurate picture of the events. Imperfect justice, it seems, serves important goals just as well as a perfect one might.

## RIGHTS VIOLATIONS AND RIGHTS RECTIFICATION

In an important sense, a crime violates essential rights of the victim and those close to the victim; addressing such rights violations is at least as important from a social and moral point of view as to establish the truth of the events. Even when a criminal trial establishes the truth, it is often what could be considered a “minimal truth”: a set of basic facts that point to one’s guilt for the crime, without detailed contextual considerations. Such “minimal” truth tends to be sufficient for addressing rights violations. In fact, rights may well be seen as systematically more important than the material truth in a trial, when broader considerations are taken into account, first all the point of view and interests of the victims. If, as is well known, breaking into one’s house violates one’s sense of security and privacy, it is easy to imagine just what type of consequences for one’s personal integrity a rape or a murder generates. Punishing the perpetrators conveys to the victim the support of the society and a strong moral judgment of the perpetrator, saying to the victim in an important sense that she is right and the perpetrator is wrong in a sense important to the community. This “semantic” aspect of the message is essential for the preservation of self-respect and psychological stability in most victims of violent crime.

If an “ordinary” crime violates rights and threatens integrity, a war crime violates many more rights, much more massively. The pressure to address the rights violations, primarily those of the victims and their communities, and secondarily those relating to a general moral order that is offended by the war crimes, goes beyond and is hierarchically above the need to establish the full

truth. Those punished for war crimes may not be the decision-makers, and often they are not the most responsible for the crimes, but that does not significantly reduce the moral appeal of the convictions. Some such offenders may not have been able to act otherwise given all the facts of the situation on the ground; still a reasonable moral observer would find them guilty because they did not choose to sacrifice their own lives rather than taking those of so many others.

The M'Naughton Rules has been the main standard of criminal culpability for mentally disordered offenders in common law since its adoption in Great Britain in 1843. The general structure of the culpability test includes the cognitive and the volitional criterion, in the form that, in order to be fully criminally responsible for an offence, the offender “must have known that what he was doing was wrong” (the cognitive test), and “must have been able to act otherwise” (the volitional test). The point of the test is that insanity consists of either a lack of understanding of the meaning and significance of one’s actions, or an inability to fully control one’s behaviour. This test has remain the key standard for forensic psychiatry till today. The M'Naughton Rules have been the standard common law test of culpability where issues of mental competence have been involved since 1843, entail that for the offender to be culpable a cognitive criterion of responsibility must apply, so that “the jurors ought to be told in all cases that every man is presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that to establish a defence on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong.”<sup>10</sup>

The *cognitive* criterion requires that “the offender knew that what he was doing was wrong”. However, it is at least intuitive to ask whether a supplemental volitional criterion is also required so to make sure that the offender who knew that he was doing what was wrong was also able to act otherwise, or to resist acting out of “irresistible impulse”. A defence based on the idea that some crimes committed by mentally compromised individuals

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10 Daniel M'Naughten’s Case, House of Lords, Mews’ Dig. i. 349; iv. 1112. S.C. 8 Scott N.R. 595; 1 C. and K. 130; 4 St. Tr. N.S. 847 May 26, June 19, 1843. stable internet address: <http://wings.buffalo.edu/law/bclc/web/mnaghten.htm>.

were a product of their illness on a volitional level was tested by the so-called “Durham Rule” in 1953. The Rule was eventually overturned by the US federal courts on the grounds that it allowed too much legal leeway to offenders suffering from various addictions. In 1972 the American Law Institute designed a composite rule, combining the cognitive and volitional criteria, which stipulated that an offender could not be considered fully culpable if one lacked “substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law”<sup>11</sup> “(...) a time when the criteria for determining criminal insanity were still flexible and before doctors were so commonly used as “expert witnesses” (...) it is not surprising that the dominant figure was the judge, who could sum up the evidence and instruct the jury in such a way as to make the verdict virtually a forgone conclusion”.<sup>12</sup> Given both the cognitive and volitional criteria for full culpability, one wonders whether in many war crimes trials the offenders satisfied the volitional criterion and could have realistically wished to have acted otherwise, while they were caught in a frenzy of peer-pressure and faced implicit or explicit threats to their lives if they deviated from the prevailing views and behaviour of the other troops.

Although the M'Naughton Rules and the subsequent codification of criminal insanity are not invoked unless mental illness is an issue, they bring into play profoundly intuitive criteria that are assumed to be satisfied in any criminal trial. While in the great majority of war crimes trials sanity has never become an issue, one wonders how many of the offenders would have fared should their volitional competence according to the M'Naughton Rules have been challenged. More about this is said in the following discussion of plea-bargaining and defence based on duress in the Dražen Erdemović case before ICTY. While the Erdemović verdict opens many questions with regard to the validity of duress in the commission of the most serious war crimes, the principle that the Trial Chamber upheld can easily be broadened to many

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11 See: Alexander Walk & Donald J. West, (eds), *Daniel M'Naughton: His Trial and the Aftermath*, The Royal College of Psychiatrists, London, 1977, pp. 74–81; Richard H. Kuh, ‘The Insanity Defense: An Effort to Combine Law and Reason’, *University of Pennsylvania Law Review*, 110 (6), 1962, pp. 771; Paul H. Robinson & Marcus D. Dubber ‘An Introduction to the Model Penal Code’, 2010, p. 15, stable Internet address: [www.law.upenn.edu/fac/phrobins/intromodpencode.pdf](http://www.law.upenn.edu/fac/phrobins/intromodpencode.pdf).

12 William F. Bynum, Roy Porter & Michael Shepherd (eds), ‘Introduction’, *The Anatomy of Madness: Essays in the History of Psychiatry*, vol. II: *Institutions and Society*, Tavistock Publications, London & New York, 1985, p. 9.

perpetrators of war crimes who had operated in the same circumstances as Erdemović had.

Every intimate observer of the civil war in the former Yugoslavia knew that ordinary military officers had no real say in areas factually controlled by the criminalized paramilitaries who were linked directly to the very top of the political establishments of Serbia, and to some extent Croatia, in the 1990s. In disintegrating states ravaged by ethnic warfare, local or paramilitary leaders easily become warlords who do not recognize the official military hierarchy. One of the Yugoslav Army officers tried before the International Criminal Tribunal for the former Yugoslavia (ICTY), Colonel Veselin Šljivančanin, was convicted for the killing of prisoners of war captured in the Vukovar hospital, because this had been his zone of military responsibility and he was filmed telling an International Red Cross worker away from the hospital, just prior to the killings. The indictment does not imply that Šljivančanin gave the order to shoot the prisoners, or that any of the regular soldiers were involved. The paramilitaries commanded by the notorious Željko Ražnatović Arkan, who were allegedly at the scene, wielded such political power during the wars of disintegration of the former Yugoslavia that they could have, and almost certainly would have, executed anyone, including Šljivančanin, had he stood in their way. The truth of the events is that Šljivančanin was at the scene, that he was formally responsible for controlling the situation, and that prisoners of war were murdered in his immediate zone of responsibility, possibly under his very gaze. Legally speaking, the conviction is valid; but this may well not be the whole truth about the events. While the true circumstances might not absolve Šljivančanin of responsibility, the partiality of the truth that the trial can grasp makes it impossible to fully understand the causal chain of events leading to the tragedy and to prevent them in the future.

## PLEA-BARGAINING

Plea-bargaining is another well known aspect of the criminal trial that shows that the trial is not primarily about the truth. The practice of plea-bargaining can be said to compromise both the truth of the criminal proceedings and justice, especially when it is applied, directly or indirectly, in a war crimes trial. People who enter plea bargains typically receive dramatically lower sentences in exchange for incriminating other perpetrators. This means that those entering a plea bargain have every incentive to provide information of significant criminal activity, whether it is true for the particular

accused or not. They have an incentive to incriminate at a maximum given the circumstances, and in many cases the greater the guilt of others that they help prove, the greater the reduction of their own sentence. While agreements between such witnesses and the prosecution are not publicly revealed, the logic of plea bargaining implies that more convictions are traded for greater lenience to the cooperative witnesses. In war crimes trials, plea bargaining involves particularly dramatic accusations in exchange for a reduction of the sentence, because all such crimes tend to be especially offensive to public moral, so that any leniency to the offender must be justified by particularly large gains for the prosecution. This means that a war criminal who enters a plea bargain will typically incriminate others for the most serious crimes, and this will clearly have political implications for the silent parts, namely the states in whose name the crimes might have been committed.

An interesting case in the recent Yugoslav war crimes trials was in fact the first trial, that of Dražen Erdemović. A Bosnian Croat who had fought in the Croatian Army, and then defected to the Bosnian Serb Army, Erdemović had been caught taking bribes from refugees to escort them across the border and was sent to a special regiment of the Bosnian Serb Army, where he participated in an execution squad at Srebrenica in 1995. According to his own admission, he was directly responsible for the murder of around 100 people, whilst participating in the collective executions of “hundreds” (ICTY). Erdemović entered a plea bargain, claiming that he had been acting under duress. He provided evidence against others, and was eventually sentenced to 5 years. He received an early release from the Norwegian prison in 1999. After leaving the prison, Erdemović immediately entered ICTY’s witness protection programme. The Tribunal’s explanation of the verdict reads:

“The Trial Chamber first considered *“the personal circumstances”* of the accused, namely his age (*“he is now 26 years old...he is reformable...”*), his family situation (*“the accused has a wife, who is of different ethnic origin, and the couple have a young child who was born on 21 October 1994...”*), his background (*“...he was a mere footsoldier whose lack of commitment to any ethnic group in the conflict is demonstrated by the fact that he was by turns a reluctant participant”* in the armed forces of the various parties to the conflict), and his character (*“the accused is of an honest disposition; this is supported by his confession and consistent admission of guilt...”*) (ICTY).”<sup>13</sup>

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13 Dražen Erdemović, Case Information Sheet (accessed 10 August 2010), [www.icty.org/x/cases/erdemovic/cis/en/cis\\_erdemovic\\_en.pdf](http://www.icty.org/x/cases/erdemovic/cis/en/cis_erdemovic_en.pdf).

Clearly the fact that Erdemović had been involved in extortion from the refugees and had already been punished for this by being sent to the 10th Sabotage Detachment of the Bosnian Serb Army, does not testify to his „honest disposition“. Yet, the court found him “sincere” and “reformable”, even „a reluctant participant“. The facts that he received what must be considered an extremely lenient sentence, and served only a part of it, in one of the most liberal prison systems available to ICTY, seems to violate a sense of justice for the magnitude of the crimes for which he pleaded guilty. One might wonder just how reliable is the incriminating evidence that a person of such “honest” disposition provides against others under circumstances where he has to gain or lose literally everything. While little compassion may indeed be due to those incriminated by Erdemović for the Srebrenica massacre, in light of the magnitude of the crime and the level of offence, it is at least reasonable to wonder about the quality of the “truth” provided by Erdemović, and consequently about the capacity of such trials to establish truthful insights into what had happened immediately before, during and after the massacre. Without such insights, it seems impossible to adequately gauge the relative guilt of the various perpetrators and their superiors, or to understand the circumstances that led to the murders. Again, Erdemović’s treatment appears to fly in the face of both justice and the truth when what he had admitted to having done is taken into account, and the circumstances of his testimonies make one doubtful as to how far he should be trusted. However, his testimonies helped convict numerous others whose role in the massacre may not have been elucidated within a full context of the events, but whose responsibility for the murder of prisoners of war and civilians could be established as a “minimal truth” necessary to punish. This value of Erdemović’s testimony was clearly treated by the court as more important than the doubts with regard to the truth of the events that such testimonies necessarily invited during the trial (ICTY).

## PROTECTED WITNESSES

The role of protected or anonymous witnesses is equally problematic in the war crimes trials. One of the leaders of the Rwandan 1994 genocide, Colonel Theoneste Bagosora, who received a life sentence for genocide and crimes against humanity, was tried based on testimonies by over 50 protected witnesses, most of whom had been members of the units that had participated in the genocide. For example, the 56th witness in the proceedings, codenamed “KJ”, had been a gendarme in a unit directly under the command of Bagosora, and could thus provide direct information on his actions and the



orders Bagosora had given.<sup>14</sup> Witnesses came from the ranks of the immediate perpetrators of the genocide, and remained at large in exchange for providing testimonies. Similarly to the Erdemović case, and given the scope of the crimes committed in Rwanda in 1994, it is clear that any of the perpetrators who was given the opportunity to testify against others would have had every incentive to maximise the crimes of others, while minimising their own offences.

Bagosora was arrested and accused based on reliable intelligence, and given the nature of the genocide and its internal operational dynamics, such information would have been a combined product of Electronic Intelligence (Elint), Signals Intelligence (Sigint) and Human Intelligence (Humint). Especially Elint and Sigint are types of intelligence-collection that are not selective: electronic or signals intercepts result in massive information that includes not just selected data on specific individuals, but complete sequences of data allowing a more complete picture of the truth. If such intelligence were revealed it would have likely contributed more to creating a complete picture of the events than did the trial of Bagosora or the other leaders of the genocide. Similarly to the Srebrenica tragedy, intelligence could paint a picture of which the trials could only establish fragments at best. It was the frustration by the inability of the trials before the International War Crimes Tribunal for Rwanda (ICTR) to establish useful truths about what had happened that led to the establishment of “truth-commissions” in several post-conflict societies, including, for example, both Rwanda and the Northern Ireland.<sup>15</sup>

## THE SOCIAL FUNCTIONALITY OF WAR CRIMES TRIALS

While criminal trials are traditionally thought to relate more or less exclusively to individual guilt, and were thus initially hoped to preclude the assignment of collective blame for war time atrocities to nations and states,

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14 See stable internet address: <http://sim.law.uu.nl/sim/caselaw/tribunalen.nsf/eea9364f4188dcc0c12571b500379d39/b466e88e448f6c79c12571fe004fa52a?OpenDocument>.

15 See: Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions*, Routledge, New York, 2002; Teresa G. Phelps, *Shattered Voices: Language, Violence, and the Work of Truth Commissions*, University of Pennsylvania Press, Philadelphia, 2004; Robert I. Rotberg & Dennis F. Thompson, *Truth v. Justice: The Morality of Truth Commissions*, Princeton University Press, Princeton, 2000; Patricia Lundy, ‘Commissioning the Past in Northern Ireland’, *Review of International Affairs*, LXI (1138–1139), 2010, pp. 101–133.

their factual social impact is primarily on the level of collective perceptions and meanings.<sup>16</sup>

It is important for the victim communities of war crimes that the offences are called by their real names, that words such as “genocide” or “extermination of population” are used in legal documents, at least as much as that some of the actual killers are tried and convicted. After the trauma of the war crime, responsibility needs to be mapped out and located in a relevant collective: people need to understand that it was not their community that was at fault, but the policies of those who perpetrated the crimes. If trials are not conducted and crimes are not properly labeled victims are additionally harmed, because confusion in the names used and in explaining the chains of responsibility will often lead to the survivors and their close ones blaming themselves for what had happened to them. This principle is identical to the psychological processes in many victims of ordinary crime.<sup>17</sup>

War crimes, even when they are committed against individuals, are never solely individual: they tend to bear a collective motive: either a hatred of the enemy that goes beyond what is allowed in war, or the intention to destroy the enemy community “in whole or in part”. Thus the expectation of the war crimes trials is that blame is apportioned collectively, as well as individually. While it is usually clear that such trials, due to factual exigencies and the typical chaos of circumstances that obtain in wars “on the ground”, can rarely conduce to a full, proportionally presented and credible truth of all of the relevant events, their social function includes the need to indicate where the predominant fault for the crimes lies. This point goes beyond the well-recognized one that “one problem is to reconcile the requirements of justice with the requirements of peace”.<sup>18</sup>

The discussion of the instrumental value of war crimes trials is easily misunderstood. If trials are seen in the light of leading to reconciliation and peace, then they must perform a political function and, rather obviously, must be politically balanced, albeit as subtly as possible.

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16 Klaus Bachmann, “Measuring Reconciliation after Violent Ethnic Conflict”, *Review of International Affairs*, LVIII (1130–1131), 2008, pp. 5–14.

17 For more see: William Ryan, *Blaming the Victim*, Vintage Books, New York, 1971; Ofer Zur (accessed 8 August 2010), Rethinking “Don’t Blame the Victim”: Psychology of Victimhood’, Zur Institute, [www.zurinstitute.com/victimhood.html](http://www.zurinstitute.com/victimhood.html).

18 Peter Malanczuk & Michael B. Akehurst, *Akehurst’s Modern Introduction to International Law*, 7th Edition, Routledge, London, 1997, p. 359.

Another level of instrumental discussion of war crimes trials relates not to the political, but to the social function of such trials, and it is common to all criminal trials. The only difference between such social function in ordinary and in war crimes trials is that in the former case the blaming sought is individual, and in the latter primarily collective. This is the logical outcome of the motivation and nature of the crimes: ordinary crimes tend to be individual, while war crimes tend to be collectively targeted. It is easy to confuse the political and social instrumentality of war crimes proceedings, and that is why some of the commentators tend to disparage the discussions of the former: to say that war crimes trials ought to be politically opportunistic in one sense, does not imply that trials do not have other functions that are not political and are closer to the common intuitions of justice, in another sense.<sup>19</sup>

The collective reprimand that war crimes trials inevitably conduce to allows communities to consolidate their self-perceptions after being victimized; they also allow the perpetrators' communities to conduct soul-searching on the social dynamics that had precipitated the events leading to war crimes. The more diffuse the blame is and the more dispersed the causes of the war and war crimes are, the more difficult it is for the victims and their immediate communities to socially and psychologically heal. Crimes such as that of Nazi Germany against the Jews in World War II are encapsulated in war crimes verdicts at Nuremberg, and consequently in the official history, in such an unequivocal and singularly condemning way that it was, semantically and psychologically speaking, possible for the German and Jewish nations to position themselves in this historical situation: Jews were the victims, and Germans were the perpetrators. The former could build their view of history based on this unequivocally established fact, and the latter needed to repent, reform and go along a different political and ideological path into the future. The outcome of such clear-cut reprimand has been a success: both the perpetrators' and the victims' communities have recovered and achieved closure, leading to constructive mutual relations. Given the extent of the historical burden, this has been an incredibly optimistic outcome.

Unlike the Nuremberg and Tokyo Tribunals' legacy, the inheritance of the international war crimes tribunals for the former Yugoslavia and for Rwanda is more nuanced and less capable to apportion singular guilt.

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19 Ibid.

In complex circumstances such as those of the Yugoslav 1991–1995 wars, and to some extent the Rwandan 1994 genocide, trials play out “social quarrels” between the communities in conflict (the post-armed conflict phase being a part of the extended structural conflict between them).<sup>20</sup> Such quarrels must run their course until mutual perceptions and self-perceptions are sufficiently stabilized to allow a functional approach to the future. They may not be particularly economical in time, energy and resources; they may mete out justice only to a select group of perpetrators who did not necessarily play the key roles in the crimes; they may or may not establish a sense of responsibility among the national and group leaderships in the context of future conflicts. Above all, trials may not achieve an optimum of the truth, and indeed often they do not. Still, they remain not only valid, but fundamentally necessary in the same way as quarrels are: some issues would be resolved in time without a quarrel, but in order to achieve the plain of discussion where solutions are imminent, communities and individuals must sometimes go through the quarrelling process so as to stabilize their own sense of identity and reach in the conflict. Once this social function of shifting blame and delimiting the bounds of one’s role in the disturbingly intimate relationship that underlies murder and extermination has reached its exhaustion point, the future becomes open for the communities caught in the mental and moral impasse created by the crimes and their consequences.

## LITERATURE

1. Bachmann, Klaus, “Measuring Reconciliation After Violent Ethnic Conflict”, *Review of International Affairs*, LVIII (1130–1131), 2008, pp. 5–14.
2. Betts, Richard K., “Two Faces of Intelligence Failure: September 11 and Iraq’s Missing WMD”, *Political Science Quarterly*, 122 (4), Winter 2007–8, pp. 585–606.
3. Brown, Michael & al., “Introduction”, *The International Dimensions of Internal Conflict*, MIT Press, Massachusetts, Cambridge, 1996.
4. Bynum, William F., Porter Roy & Shepherd Michael (eds), “Introduction”, *The Anatomy of Madness: Essays in the History of Psychiatry, vol. II: Institutions and Society*, Tavistock Publications, London & New York, 1985.
5. Cohen, Richard, “Bosnia’s Cause is Lost and so, probably, is NATO”, *International Herald Tribune*, 30 November 1994, p. 4.

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20 Anastas Shyaka, “Justice and Reconciliation in Post-Genocide Rwanda: Assessing the Impact of the International Criminal Tribunal for Rwanda”, *Review of International Affairs*, LVIII (1130–1131), 2008, pp. 15–25.

6. Daniel McNaghten's Case, House of Lords, Mews' Dig. i. 349; iv. 1112. S.C. 8 Scott N.R. 595; 1 C. and K. 130; 4 St. Tr. N.S. 847 May 26, June 19, 1843. stable internet address: <http://wings.buffalo.edu/law/bclc/web/mnaghten.htm>.
7. Dražen Erdemović Case Information Sheet (accessed 10 August 2010), [www.icty.org/x/cases/erdemovic/cis/en/cis\\_erdemovic\\_en.pdf](http://www.icty.org/x/cases/erdemovic/cis/en/cis_erdemovic_en.pdf).
8. Eigen, Joel Peter, *Witnessing insanity: madness and mad-doctors in the English court*, Yale University Press, New Haven & London, 1995.
9. Hayner, Priscilla B., *Unspeakable Truths: Facing the Challenge of Truth Commissions*, Routledge, New York, 2002.
10. Hochman, Robert, "Brady vs. Maryland and the Search for Truth in Criminal Trials", *The University of Chicago Law Review*, 63 (4), 1996, pp. 1673–1705.
11. Jung, Heike, "Nothing but the Truth? Some Facts, Impressions and Confessions About Truth in Criminal Procedure", in Duff, Antony et al. (eds), *The Trial on Trial: Volume One — The Truth and Due Process*, Hart Publishing, Oxford and Portland, Oregon, 2004, pp. 147–156.
12. Keen, Sam, *Faces of the Enemy*, Harper and Row, New York, 1986.
13. Kipnis, Kenneth, "Professional Responsibility and the Distribution of Legal Services", in Kipnis Kenneth & Meyers Diana T. (eds), *Economic Justice: Private Rights and Public Responsibilities*, Towman & Allanheld, Totowa, New Jersey, 1985, pp. 130–142.
14. Kuh, Richard H., "The Insanity Defense: An Effort to Combine Law and Reason", *University of Pennsylvania Law Review*, 110 (6), 1962, pp. 771.
15. Laudan, Larry, *Truth, Error and Criminal Trial: An Essay in Legal Epistemology*, Cambridge University Press, Cambridge, 2006.
16. Lundy, Patricia, "Commissioning the Past in Northern Ireland", *Review of International Affairs*, LXI (1138–1139), 2010, pp. 101–133.
17. Malanczuk, Peter & Akehurst, Michael B., *Akehurst's Modern Introduction to International Law*, 7<sup>th</sup> Edition, Routledge, London, 1997.
18. McEwan, Jenny, "Ritual, Fairness and Truth: the Adversarial and Inquisitorial Models of Criminal Trial", in: Antony Duff et al. (eds), *The Trial on Trial: Volume One — The Truth and Due Process*, Hart Publishing, Oxford and Portland, Oregon, 2004. pp. 51–70.
19. Ofer Zur (accessed 8 August 2010), "Rethinking "Don't Blame the Victim": Psychology of Victimhood", Zur Institute, [www.zurinstitute.com/victimhood.html](http://www.zurinstitute.com/victimhood.html).
20. Phelps, Teresa G., *Shattered Voices: Language, Violence, and the Work of Truth Commissions*, University of Pennsylvania Press, Philadelphia, 2004.
21. Robinson, Paul H. & Dubber Marcus D., "An Introduction to the Model Penal Code", 2010, p. 15, stable Internet address: [www.law.upenn.edu/fac/phrobins/intromodpencode.pdf](http://www.law.upenn.edu/fac/phrobins/intromodpencode.pdf).

22. Rotberg, Robert I., & Thompson, Dennis F., *Truth v. Justice: The Morality of Truth Commissions*, Princeton University Press, Princeton, 2000.
23. Ryan, William, *Blaming the Victim*, Vintage Books, New York, 1971.
24. Shyaka, Anastas, “Justice and Reconciliation in Post-Genocide Rwanda: Assessing the Impact of the International Criminal Tribunal for Rwanda”, *Review of International Affairs*, LVIII (1130–1131), 2008, pp. 15–25.
25. Walk, Alexander & West, Donald J. (eds), *Daniel McNaughton: His Trial and the Aftermath*, The Royal College of Psychiatrists, London, 1977.

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## **PROBLEM ISTINE U SUĐENJIMA ZA RATNE ZLOČINE**

### **APSTRAKT**

Tekst se bavi razmatranjem odnosa između istine i krivičnog postupka uopšte, sa posebnim naglaskom na suđenja za ratne zločine i njihove posledice za osetljive procese konsolidacije narušenih kolektivnih identiteta u post-konfliktnim državama. Autori dovode u pitanje ideju da je krivični postupak isključivo traganje za istinom, i razvijaju filozofsku argumentaciju kojom pokazuju da se konkretno krivično suđenje rukovodi modelom koji autori nazivaju “kvazi-epistemološkim igrama”, a ne modelom „epistemološkog motora”. Svrha suđenja je kvazi-epistemološka zbog toga što model „epistemološkog motora” podrazumeva da se suđenjem pre svega traga za istinom, što gotovo nikada nije slučaj kada je reč osuđenima za ratne zločine. U tekstu se argumentiše da dok, s jedne strane, krivično suđenje rado i prirodno inkorporira istinu o događajima ako ju je moguće otkriti, ono može biti vredno i procesno validno bez obzira na to da li je celovita istina u njemu otkrivena. *Ključne reči*: potraga za istinom, kvazi-epistemološke igre, legitimnost, ratni zločini, suđenja, kolektivni identitet.

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## **EVROAZIJSKE BEZBEDNOSNE INTEGRACIJE I BEZBEDNOST BALKANA I SRBIJE**

### APSTRAKT

U radu se analizira domet bezbednosnih integracija na postsovjetskom prostoru i njihov uticaj na bezbednost šireg evroazijskog regiona, kao i Balkana i Srbije. U tom smislu autori ukazuju na glavne organizacione aspekte bezbednosne saradnje na evroazijskom prostoru koje su, u prvom redu, proizvod autohtonih inicijativa država regiona i u okviru kojih se planiraju ili razvijaju konkretne zajedničke snage. Na tom planu najznačajniji rezultati postignuti su u okviru Organizacije ugovora o kolektivnoj bezbednosti (ODKB), nastale na temelju inicijative Rusije i dela bivših sovjetskih republika, kao i Šangajske organizacije za saradnju (ŠOS), koja se temelji na rusko-kineskoj inicijativi. Poseban akcenat u radu stavljen je na bezbednosne aspekte delovanja navedenih organizacija i njihov uticaj na Srbiju i region Balkana, pre svega, sa stanovišta energetske bezbednosti.

*Ključne reči:* Evroazija, bezbednost, Srbija, Balkan, ODKB, ŠOS.

### UVOD

**E**vroazija predstavlja jedinstvenu kopnenu masu na istočnom delu severne zemljine hemisfere koju zauzimaju kontinenti Evropa i Azija. Mada se u fizičko-geografskom pogledu Evroazija može smatrati jednim kontinentom, veštačka podela na Evropu i Aziju datira još od antičkih

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vremena.<sup>2</sup> Linija razgraničenja između dva kontinenta menjala je položaj tokom različitih istorijskih perioda, dok se, i pored brojnih rasprava, kao aktuelna smatra linija koja se kreće duž planinskog venca Ural, toka reke Ural, Kaspijskog jezera, planinskog venca Kavkaz i Crnog mora.

U geopolitičkom smislu termin Evroazija najčešće se koristi kao sinonim za postsovjetski prostor, odnosno teritoriju koju obuhvataju države proistekle iz raspada Sovjetskog Saveza. U tom smislu ovaj prostor obuhvata baltičke države Estoniju, Letoniju i Litvaniju; centralnoazijske države Kazahstan, Kirgistan, Tadžikistan, Uzbekistan i Turkmenistan; zakavkaskе države: Gruziju, Jermeniju i Azerbejdžan; istočnoevropske države Ukrajinu, Belorusiju i Moldaviju; i Rusiju koja zbog svoje dominantne uloge u regionu predstavlja posebnu celinu.

Kada je reč o delovanju organizacija čiji se delokrug rada odnosi na bezbednost, pre svega onih koje na tom planu planiraju i razvijaju zajedničke snage, navedeni prostor se može smatrati izuzetno dinamičnim. Naime, na evroazijskom/postsovjetskom prostoru funkcionišu međunarodne organizacije sa bezbednosnim atributom koje su nastale na temelju autohtonih inicijativa država regiona, najpre Rusije i Kine — Organizacija ugovora o kolektivnoj bezbednosti (ODKB) i Šangajska organizacija za saradnju (ŠOS), i one koje deluju pod patronatom Zapada, odnosno NATO preko svog programa Partnerstvo za mir, skrojenog upravo u svrhu saradnje sa državama nastalim iz raspada SSSR.

Severnoatlanski savez je preko navedenog programa stvorio okvir za saradnju koji je obuhvatio sve postsovjetske države. Rusija u tom kontekstu, kao okosnica nekadašnje federacije i jedna od najjačih sila ima posebno izgrađene mehanizme odnosa sa NATO. Međutim, ona prirodno teži da zaštiti svoje interese u regionu kao i sopstvenu bezbednost, što svakako ne podrazumeva NATO u blizini ili na samim njenim granicama. U tom kontekstu trebalo bi posmatrati i narastajuću potrebu Rusije da u svom okruženju ima države koje nisu pod kontrolom ili uticajem Severnoatlantskog saveza. Pored toga, Rusija želi da zaštiti i svoj najveći izvozni potencijal — energiju, koja u svetlu sve veće potražnje postaje savršena politička alatka. Kina kao regionalna sila u usponu takođe ima interes da proširi svoj uticaj na zemlje u okruženju, ali i sve veću potrebu za energijom.

Bezbednost i stabilnost Balkana kao susednog regiona u velikoj meri zavise od događaja na području Evroazije. Energenti velikim delom na Balkan stižu sa

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2 Sanjay Chaturvedi, "Can There be an Asian Geopolitics?", in: Ranabir Samaddar (ed.), *Space, Territory, and the State: New Readings in International Politics*, Orient Longman Private Limited, Hyderabad, 2002, p. 3.



navedenog prostora, a očekuje se da ta količina u budućnosti bude veća. Sa izgradnjom planiranih kapaciteta za transport gasa bezbednost Balkana dobiće i svoju energetska dimenziju. Međutim, iz evroazijskog regiona na balkanski prostor „uvoze” se i različiti nekonvencionalni oblici ugrožavanja bezbednosti, pre svega narkotici, a u paketu sa terorizmom i organizovanim kriminalom.

U Srbiji postoji već poslovična neodlučnost kada je reč o uključenju u evropske integracione procese, dok je u domaćoj javnosti i među političkim elitama prisutna dilema da li bezbednost zemlje tražiti u okviru inicijativa čiji su pokretač zapadne države ili u onima koje dolaze iz Rusije. Stoga pitanja u vezi sa evroazijskim bezbednosnim organizacijama imaju izuzetnu važnost.

#### BEZBEDNOSNE ORGANIZACIJE NASTALE NA EVROAZIJSKOM PROSTORU KAO REZULTAT RUSKIH INICIJATIVA

Posle samoraspuštanja Varšavskog pakta i raspada SSSR-a, Severnoatlantski savez je nastavio da deluje u okruženju bez rivala izvan izvorno utvrđenih okvira koji se odnose na kolektivnu odbranu u slučaju napada na bilo koju članicu i postao svojevrsna snaga za intervencije na prostorima širom sveta gde postoji minimalna naznaka da je ugrožena bezbednost ili neki od vitalnih interesa Saveza.

Međutim, i pre konačnog raspada bivše republike SSSR započele su novi talas integracionih procesa na prostoru nekadašnje zajedničke države kako bi umanjile posledice raspada i unapredile međusobne odnose.<sup>3</sup> Stvorena je Zajednica nezavisnih država (ZND) sa osnovnom namerom da se redefinišu odnosi u različitim oblastima međusobne saradnje na koju su novonastale države nužno bile upućene nakon dugog niza godina. ZND predstavlja najširi okvir povezivanja država na prostoru nekadašnjeg SSSR-a izvan koga su ostale samo tri baltičke države (Estonija, Letonija i Litvanija) koje su svoj put ka integracijama potražile u NATO i EU, dok je Turkmenistan 2005. napustio stalno članstvo ali ima status pridružene članice. Gruzija je posle rata u Južnoj Osetiji avgusta 2008. napustila ZND.<sup>4</sup>

Ubrzo je postalo jasno da među članicama ZND postoji interes za proširivanje saradnje na oblast bezbednosti — Jermenija, Kazahstan, Kirgistan,

3 Videti: Dragan Petrović, *Integracioni procesi na postsovjetskom prostoru*, Pašić i sinovi, Beograd, 2010, str. 22–3.

4 Videti detaljnije: Zoran Kilibarda, „Bezbednosne integracije u postsovjetskom prostoru — Organizacija Ugovora o kolektivnoj bezbednosti”, *Vojno delo*, Vol. 62, br. 1, 2010, str. 96.

Rusija, Tadžikistan i Uzbekistan potpisali su 15. maja 1992. Ugovor o kolektivnoj bezbednosti.<sup>5</sup> Ugovoru su 1993. pristupili Azerbejdžan, Belorusija i Gruzija, a stupio je na snagu aprila 1994. godine. Ugovor o kolektivnoj bezbednosti imao je slabe institucionalne osnove za dalje unapređenje bezbednosne saradnje, što je postalo očigledno 1999. godine kada su Azerbejdžan, Gruzija i Uzbekistan odbili da potpišu produživanje Ugovora nakon isteka prvog petogodišnjeg roka važenja. Do transformacije u međunarodnu organizaciju pod nazivom Organizacija ugovora o kolektivnoj bezbednosti (OUKB) došlo je 14. maja 2002. nakon što je odluka o tome pretočena u osnivački akt.<sup>6</sup> Sa ambicioznije postavljenim ciljevima nego ranije i u većoj meri usmeren na kolektivnu odbranu umesto na bezbednosnu saradnju, ODKB od 2004. godine ima i status posmatrača u Generalnoj skupštini UN. Zemlje osnivači ODKB su Rusija, Belorusija, Jermenija, Kazahstan, Kirgistan i Tadžikistan, dok je Uzbekistan ponovo postao punopravni član 2006. godine.<sup>7</sup>

Drugi značajan oblik integracionih procesa na evroazijskom prostoru u oblasti bezbednosti predstavlja znatno širi okvir za saradnju između država s obzirom da u pogledu teritorije koju obuhvata znatno prevazilazi postsovjetske granice. Šangajska organizacija za saradnju (ŠOS) nastala je na temelju graničnog sporazuma „Šangajske petorke” iz 1996. godine između Kine i susednih zemalja iz centralnoazijskog regiona — Kazahstana, Kirgistana, Rusije i Tadžikistana.<sup>8</sup> Ovim sporazumom omogućeno je značajno popuštanje graničnih tenzija između Kine i njenih postsovjetskih suseda. Naime, došlo je do povlačenja velikih količina oružja i vojnih snaga iz pograničnih područja što je svakako išlo u prilog Rusiji i centralnoazijskim zemljama jer su na taj način svojim posrnulim privredama umanjile teret vojnih izdataka, dok je Kini to omogućilo da trupe sa postsovjetskih granica premesti na obalni pojas prema Tajvanu. Rečju, države „Šangajske petorke” više nisu predstavljale pretnju jedna drugoj. Kako je sporazum funkcionisao veoma dobro, članice su se usmerile, pre svega, na saradnju u ekonomskoj oblasti. Međutim, bezbednosni aspekt došao je do

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5 *Договор о коллективной безопасности*, Содружество Независимых Государств, 15 мая 1992 г, Internet, [http://www.businesspravo.ru/Docum/DocumShow\\_DocumID\\_40703.html](http://www.businesspravo.ru/Docum/DocumShow_DocumID_40703.html), 15/01/12.

6 U domaćoj literaturi prisutniji je naziv Organizacija dogovora o kolektivnoj bezbednosti (ODKB). Na ruskom jeziku: *Организация Договора о коллективной безопасности*.

7 Više o normativnim okvirima delovanja, unutrašnjoj organizaciji i organima ODKB videti u: Dragan Petrović, *Integracioni procesi na postsovjetskom prostoru*, op. cit., str. 81–8.

8 Videti: Alyson J. K. Bailes, Pál Dunay, Pan Guang, Mikhail Troitskiy, *The Shanghai Cooperation Organization*, SIPRI Policy Paper No. 17, SIPRI, Stockholm, 2007, p. 4.

izražaja nakon zabrinutosti koju su Rusija i Kina izrazile u vezi sa narastajućim aktivnostima islamskih radikalnih pokreta u Tadžikistanu i Uzbekistanu, kao i prema delovanju talibana u Avganistanu.<sup>9</sup> U tom smislu, Šangajska petorka je prevazišla okvire graničnog sporazuma i poprimila oblik regionalne bezbednosne strukture koja se bori protiv „tri zla” — separatizma, fundamentalizma i terorizma.<sup>10</sup> Ovi ciljevi su prilikom transformacije Petorke u ŠOS, odnosno njenog institucionalnog definisanja i jačanja, juna 2001. godine, uvršteni u sadržaj „novog” osnivačkog akta grupe kao glavni zajednički bezbednosni cilj.

Dalji razvoj ŠOS i njegovo jačanje kao regionalne bezbednosne strukture odvijalo se uporedo sa širenjem članstva. Tokom 2001. Organizaciji se priključio Uzbekistan kao šesti član, Mongolija je 2004. godine dobila status posmatrača, a 2005. ovaj status su stekli Indija, Iran i Pakistan. Kineski predsednik Hu Đintao (*Hu Jintao*) naglasio je da je uključenje u puno članstvo želja svih država posmatrača, kao i Avganistana. U godini u kojoj ŠOS navršava deceniju postojanja Indija, Iran i Pakistan aplicirali za ulazak u članstvo, uprkos činjenici da se postojećim članicama ne žuri sa proširenjem Organizacije. Tako je pakistanski predsednik Zardari (*Asif Ali Zardari*) obraćajući se učesnicama samita u Astani, glavnom gradu Kirgistana, istakao da je neophodno da se ubrza proces priključenja njegove zemlje u ŠOS, i istovremeno izrazio zadovoljstvo što je i avganistanski predsednik Karzai (*Hamid Karzai*) takođe prisustvovao samitu i aplicirao da Avganistan dobije status posmatrača.<sup>11</sup>

Navedeni oblici udruživanja država na prostoru Evroazije, uzimajući u obzir i ekspanziju ŠOS, stvorili su sumnje da je na pomolu stvaranje neke vrste vojnog bloka. U okviru obe organizacije negira se postojanje bilo kakvog šireg plana u vezi sa kolektivizacijom odbrane na navedenom prostoru, bez obzira na činjenicu da se u članu 3. Povelje ODKB izričito naglašava da je svrha organizacije da omogući kolektivnu odbranu nezavisnosti, teritorijalnog integriteta i suvereniteta članica.<sup>12</sup> Takođe, u obe organizacije odlučno se negira mogućnost udruživanja protiv bilo koje države ili grupe država. Štaviše,

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9 *Ibidem*, p. 50.

10 Marc Lanteigne, “Security, strategy and the former USSR: China and the Shanghai Cooperation Organisation, in: Shaun Breslin (ed.), *Handbook of China’s International Relations*, Routledge, London, 2010, p. 169.

11 *Pakistan Nudges Afghanistan Away From U.S. Towards Asian Bloc*, June 16, 2011, CNS News, Internet, <http://www.cnsnews.com/news/article/pakistan-nudges-afghanistan-away-us-towa>, 17/01/12.

12 *Устав Организации Договора о коллективной безопасности*, Интернет, <http://www.odkb.gov.ru/b/azg.htm>, 20/01/12

u osnivačkom aktu ŠOS istaknuto je da zajedničko delovanje nije usmereno protiv drugih država ili međunarodnih organizacija.<sup>13</sup>

Institucionalni razvoj dve organizacije praćen je u određenoj meri i razvojem konkretnih oblika vojne saradnje, kako u okviru samih organizacija, tako i na planu međusobne saradnje, što je svakako predstavljalo još jedan indikator da se možda radi stvaranju vojnog bloka. Bez obzira što nijedna od dve organizacije nema izgrađene strukture nalik onima u NATO i da ne postoji obaveza članica da određeni procenat bruto nacionalnog dohotka usmeravaju na odbranu, kao u NATO, vojna saradnja u njihovim okvirima značajno je uznapredovala. Neka vrsta zajedničkih snaga za brzo delovanje veličine 1500 pripadnika sa zajedničkom komandom u Moskvi postojala je u okviru ODKB od 2002. godine. Kasnije su ove snage dostigle veličinu od 4500 pripadnika, ali zbog razmeštaja njihovih delova na udaljenim lokacijama one praktično nisu bile u funkciji i retko su zajedno uvežbavane.

Predsednici zemalja članica ODKB potpisali su 4. februara 2009. u Moskvi sporazum o formiranju Kolektivnih snaga za brzo reagovanje (*Коллективные силы оперативного реагирования Организации Договора о коллективной безопасности — КСОП*). Glavni zadaci ovih snaga su učešće u sprečavanju i odbijanju oružanog napada, uključujući agresiju i suzbijanje oružanog sukoba; učešće u aktivnostima u borbi protiv međunarodnog terorizma, ilegalne trgovine narkoticima, psihotropnim supstancama i prekursorima, oružja i municije, kao i drugim oblicima transnacionalnog organizovanog kriminala; učešće u sprovođenju mera za zaštitu stanovništva od opasnosti uzrokovanih vojnim akcijama, reagovanje u vanrednim situacijama i humanitarna pomoć.<sup>14</sup> Novoformirane snage ambicioznije su planirane, biće brojnije i mobilnije, pod jedinstvenom komandom i raspoređene na ruskoj teritoriji.

Iz zadataka dodeljenih navedenim snagama vidi se da je izuzetna pažnja posvećena suprotstavljanju nekonvencionalnim oblicima ugrožavanja bezbednosti, naročito onima koji su u vezi sa ilegalnom trgovinom narkoticima. Naime, podaci iz godišnjih izveštaja Kancelarije UN za drogu i kriminal govore o sve većoj proizvodnji i sve većem „izvoznom potencijalu” susednog Avganistana i to u periodu intenzivnog prisustva međunarodnih snaga u ovoj

13 Zoran Kilibarda, „Bezbednosne integracije na postsovjetskom prostoru — Organizacija Ugovora o kolektivnoj bezbednosti”, *Vojno delo*, op. cit., str. 104.

14 *Коллективные силы оперативного реагирования Организации Договора о коллективной безопасности*, ПРЕСС-РЕЛИЗ 2010, Internet, [http://www.mamf.ru/odkb\\_mamf/ksor/ksor.pdf](http://www.mamf.ru/odkb_mamf/ksor/ksor.pdf), 21/06/11, crp 4–5.

državi. Deo profita od ovih aktivnosti odvaja se za finansiranje terorističkih organizacija, dok se kao glavni u poslu sa narkoticama navodi brat aktuelnog predsednika Avganistana Karzajia.<sup>15</sup>

ŠOS nije razvijao konkretne zajedničke vojne snage nalik onima u ODKB iako u okviru organizacije od 2004. godine postoji stalno telo — Regionalna protivteroristička struktura sa sedištem u Taškentu — zaduženo za koordinaciju aktivnosti usmerenih ka ostvarivanju postavljenih ciljeva. Od 2002. godine započeto je redovno godišnje održavanje zajedničkih vojnih vežbi delova snaga koje odrede države članice u oblasti suprotstavljanja terorizmu. Prva vežba većeg obima pod okriljem ŠOS nazvana „Koalicija 2003”, održana 2003. godine u graničnim oblastima Kazahstana i Kine, temeljila se na pretpostavci protivterorističkih dejstava u naseljenom mestu i neposredno je uključivala 100 „terorista” i 700 vojnika, dok je ukupno angažovano 1300 pripadnika oružanih snaga Kine, Rusije, Kazahstana, Kirgistona i Tadžikistana, dok je Uzbekistan odbio učešće pozivajući se na, u to vreme, aktivnu saradnju sa NATO i SAD.

Nakon dobijenih pozitivnih ocena u vezi sa navedenom vežbom, i u okviru ODKB je realizovana prva zajednička vežba pod nazivom „Rubež 2004”. Održana je u Kirgistanu na temelju scenarija koji se odnosio na protivteroristička dejstva, pre svega na rasturanje naoružanih nedržavnih aktera vazдушnim napadima. Rusija je obezbedila vazduhoplovnu tehniku potrebnu za vežbu, a ukupno je angažovano 1700 učesnika.

Navedene vežbe predstavljaju prekretnicu u razvoju regionalne saradnje na vojnom planu na evroazijskom prostoru, ali istovremeno ukazuju i na mogućnost intenzivnijeg nadmetanja između Kine i Rusije oko uticaja u centralnoazijskom regionu.

## BEZBEDNOST SRBIJE U KONTEKSTU ŠIRENJA RUSKOG UTICAJA NA REGION BALKANA

Tokom posete Beogradu 2009. godine ruski predsednik Dmitri Medvedev (*Дмитрий Медведев*) izneo je ideju o novoj evropskoj bezbednosnoj arhitekturi prema kojoj bi Srbija imala veoma značajnu ulogu, a ubrzo je i ruski ministar za vanredne situacije Sergej Šojgu (*Сергей Шойгу*) istakao kako će Srbija kao

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15 Videti: Rupert Cornwell, “Karzai’s brother on CIA payroll”, 29. 10. 2009, *The Independent on Sunday*, Internet, <http://www.independent.co.uk/news/world/americas/karzais-brother-on-cia-payroll-1811154.html>, 15/01/12.

deo Evrope biti deo zajedničke koncepcije evropske bezbednosti.<sup>16</sup> Nakon ovih izjava ruskih zvaničnika manji delovi celokupnog plana postali su dostupni široj javnosti, a među njima i četiri glavna – prvi deo ukazuje na osnovne principe međudržavnih odnosa uključujući one o poštovanju suvereniteta i reafirmaciji osnovnih principa Povelje UN; drugi ističe da nijedna država ili organizacija ne može imati ekskluzivno pravo na bezbednosnu politiku, što dovodi u pitanje aktuelnu ulogu Severnoatlantskog saveza; treći deo fokusiran je na proceduralna pitanja u vezi sa pregovorima o rešavanju regionalnih kriza; četvrti se odnosi na mere usmerene protiv svih vrsta bezbednosnih pretnji što podrazumeva i izgradnju protivnuklearnog raketnog štita na prostoru jugoistočne Evrope.<sup>17</sup>

Deo o postavljanju raketnog štita posebno je značajan s obzirom da Rusija mora hitno da napravi protivmeru postavljanju projektila od strane NATO u neposrednoj blizini Kalinjingradske oblasti, ruske enklave gde je stacionirana ruska Baltička flota. U tom smislu, Srbiju je moguće posmatrati kao jedinu realnu rusku opciju na prostoru Balkana s obzirom na činjenicu da nije dublje uključena u Severnoatlantske strukture, kao i na tradicionalne veze sa Rusijom. S tim u vezi, na prvi pogled izgleda da su ovakvi planovi razmatrani u uskim krugovima. Međutim, izjava ruskog ambasadora u Beogradu Aleksandra Konuzina (*Александр Васильевич Конузин*) o mogućnosti da Rusija izgradi nuklearnu elektranu u Srbiji, data krajem novembra 2009. godine, može da stvori utisak i da se o sličnoj opciji za izgradnju protivnuklearnog raketnog štita ozbiljnije razmišlja.

Rusija na prostoru Balkana ima konkretan interes koji je u funkciji upotrebe energije kao pouzdanog i dugoročnog strategijskog sredstva za vršenje političkih pritisaka, što je, istovremeno, jedan od osnovnih načina ruskog suprotstavljanja ekspanziji Severnoatlantskog saveza. Reč je o izgradnji ogranka gasovoda „Južni tok” kroz Srbiju koji bi tokom 2015. godine trebalo da bude pušten u rad. Planirani godišnji kapaciteti navedenog cevovoda iznosili bi do 63 milijardi kubnih metara gasa.<sup>18</sup> Trasa izgradnje budućeg gasovoda kreće se linijom koja će ići ispod Crnog mora, kroz Bugarsku, gde se račva na

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16 Filip Ejodus, *Vojno neutralna Srbija i „nova” evropska bezbednosna arhitektura*, Internet, [http://www.filipejodus.net/2009\\_11\\_01\\_archive.html](http://www.filipejodus.net/2009_11_01_archive.html), 15/01/2012.

17 Aleksandar Fatić, “A Strategy Based on Doubt: Russia Courts Southeast Europe”, *Contemporary Security Policy*, Vol. 31, No. 3 (December 2010), p. 446.

18 Janusz Bugajski, *Georgian Lessons: Conflicting Russian and Western Interests in the Wider Europe*, Center for Strategic and International Studies, Washington D. C., 2010, p. 103.

jednu granu koja preko Grčke vodi ka Italiji i drugu, koja preko teritorija Srbije, Hrvatske, Slovenije i Mađarske vodi ka Austriji.<sup>19</sup> Takođe, jedna lokalna grana gasovoda odvojila bi se iz Srbije ka Bosni i Hercegovini. Pored navedenog gasovoda, planira se i izgradnja naftovoda Družba Adrija trasom koja se kreće od ruskog grada Samare preko teritorija Belorusije, Ukrajine, Slovačke, Mađarske i Hrvatske do terminala na jadranskom ostrvu Krk.<sup>20</sup> Ne treba prevideti ni činjenicu da Rusija ubrzano kupuje i kompanije koje se bave preradom i distribucijom energenata širom Balkana prevazilazeći na taj način okvire dobavljača osnovne sirovine. Time Rusija uspostavlja čvrst oslonac za dugoročno prisustvo na Balkanu obezbeđujući sebi ulogu glavnog snabdevača goriva u regionu i istovremeno vezuje strategiju energetske bezbednosti za vojnu strategiju čiji je glavni cilj suprotstavljanje širenju NATO.

Pitanja u vezi sa energijom i energentima Rusija u sve većoj meri dovodi u kontekst izgradnje širih strateških savezništava sa zemljama Balkana. Ovakve namere naišle su na pozitivan odgovor samo u Srbiji što je rezultiralo sporazumom Rusije i naše zemlje o osnivanju humanitarnog centra za reagovanje u vanrednim situacijama, što je u javnosti predstavljeno kao plan za izgradnju ruske vojne baze.<sup>21</sup> Plan su 21. oktobra 2009. godine u Beogradu potpisali ministar unutrašnjih poslova Srbije Ivica Dačić i ministar za vanredne situacije Rusije Sergej Šojgu. Tom prilikom dvojica ministara ukazali su na značaj formiranja zajedničkog humanitarnog centra u Nišu za brzo reagovanje u slučaju vanrednih situacija kao što su požari, poplave ili zemljotresi.<sup>22</sup> Posle potpisivanja dinamičkog plana o aktivnostima na tom planu dvojica ministara naglasila su da bi humanitarni centar trebalo da preraste u regionalni radi pružanja brze i efikasne pomoći ostalim državama regiona jugoistočne Evrope u vanrednim situacijama. Centar, koji bi trebalo da bude formiran 2012. predstavljaće dobro opremljenu logističku bazu u čijim okvirima će da deluje i zajednički protivminski centar. Lokacija je odabrana zbog postojanja

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19 Jeffrey Mankoff, "Eurasian energy security", *Council Special Report No. 43*, February 2009, p. 20.

20 Videti: „Družba Adria: Naftovod uvjet za plinovod”, *Jutarnji list*, Zagreb, 19. 06. 2010, Internet, <http://www.jutarnji.hr/druzba-adria/840443/>, 15/01/2012.

21 Branka Trivić, „Stratfor: Centar u Nišu može postati ruska baza”, Radio Slobodna Evropa, Internet, 23. oktobar 2009, [http://www.slobodnaevropa.org/content/rusija\\_srbija\\_stratfor/1859651.html](http://www.slobodnaevropa.org/content/rusija_srbija_stratfor/1859651.html), 15/06/11.

22 Videti: „Потписан план о центру у Нишу”, РТВ Б92, 21. октобар 2009, Internet, [http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=10&dd=21&nav\\_id=387854](http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=10&dd=21&nav_id=387854), 15/06/11.

aerodroma i dobre infrastrukture, a jedan od razloga verovatno se odnosi i na blizinu mesta ulaska gasovoda Južni tok na teritoriju Srbije.

Očekivanja, odnosno sumnje, da bi navedeni humanitarni centar bilo moguće u vrlo kratkom roku transformisati u rusku vojnu bazu, prvu van postsovjetskog prostora posle raspada SSSR, imaju opravdanje u činjenici da rusko Ministarstvo za vanredne situacije raspolaže značajnim vojnim snagama — unutrašnjom vojskom koju sačinjava oko 50.000 pripadnika uz dodeljene vazduhoplovne i mornaričke efektivne, kao i teško naoružanje. Osnovna delatnost navedenih snaga odnosi se na angažovanje u otklanjanju posledica prirodnih i tehničkih katastrofa, ali upotreba teškog naoružanja, kao i dugogodišnje angažovanje Sergeja Šojgua na poziciji resornog ministra i člana Saveta za nacionalnu bezbednost, odnosno njegova značajna uloga u ruskoj bezbednosnoj politici, mogu da ukažu i na drugačiji karakter misija navedenog ministarstva. Međutim, svaka vrsta intenzivnije međudržavne saradnje na ekonomskom planu ili na suzbijanju posledica prirodnih i tehničkih katastrofa može u određenom trenutku da postane solidna osnova za vojnu saradnju. Stoga izgradnja humanitarnog centra u Nišu ne mora nužno da predstavlja indikator izgradnje vojne baze.<sup>23</sup>

Otvaranje prve ruske (humanitarne) baze van matične teritorije može se posmatrati i u kontekstu izmenjenih prioriteta ruske vojne strategije, što je formalizovano početkom 2010. godine u novoj vojnoj doktrini Ruske Federacije, koji podrazumevaju konvencionalnu odbranu kao osnovno sredstvo za zaštitu spoljnih bezbednosnih interesa Rusije.<sup>24</sup> Ovakva strategija uključuje izgradnju platforme izvan sopstvene teritorije, što bi u kontekstu daljeg širenja NATO na prostoru Balkana praktično bilo nemoguće. Tako se Srbija pojavila kao jedina država u regionu koja je pokazala spremnost da svoje strateško partnerstvo sa Rusijom upotpuni i izgradnjom baze (diskutabilne namene) na sopstvenoj teritoriji. U tom smislu, Srbija je odstupila od stava koji deli većina balkanskih država prema evroatlantskim integracijama i punopravnom članstvu u NATO i u tom smislu se udaljila od Severnoatlantskog saveza.

Dok preostale balkanske države koje već nisu integrisane u NATO svoju budućnost vide u potpunij integraciji u ovaj savez, Srbija je neodlučna kada se

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23 Branka Trivić, „Stratfor: Centar u Nišu može postati ruska baza”, Radio Slobodna Evropa, op. cit.

24 *The Military Doctrine of the Russian Federation*, Approved by Russian Federation Presidential Edict on 5 February 2010, Internet, [http://www.sras.org/military\\_doctrine\\_russian\\_federation\\_2010](http://www.sras.org/military_doctrine_russian_federation_2010), 15/01/11.



radi o daljem napredovanju u okviru evroatlantskih struktura i računa na rusku stratešku podršku. Ovo se naročito odnosi na rusku podršku u vezi sa nasilnim otcepljenjem južne srpske pokrajine, a u novije vreme sve su izraženiji i zahtevi vlastima za upućivanje posmatrača i učlanjivanje u evroazijske bezbednosne organizacije nastale na temelju ruskih inicijativa.<sup>25</sup> Međutim, postoje mišljenja da Srbija ne bi trebalo da pristupi ODKB iz tri razloga — prvi se odnosi na činjenicu da je okružena NATO članicama tako da bi ulazak u neki drugi vojno-politički savez stvorio dodatne tenzije u regionu; drugi razlog je da ulazak u NATO ne predstavlja uslov za pristupanje EU, ali je ulazak u drugi savez prepreka evrointegracijama; treći razlog odnosi se na nedovoljnu artikulisanost Rusije prema širenju ODKB van postsovjetskog prostora.<sup>26</sup>

Ruski ambasador u Beogradu Aleksandar Konuzin je, govoreći o predlogu predsednika Medvedeva da se Srbija priključi ODKB, u određenoj meri opovrgao tvrdnje o nezaineresovanosti Rusije o širenju Organizacije van postsovjetskog prostora i izneo ocenu da bi to svakako išlo u prilog Srbiji. Takođe je naznačio da takav aranžman nije usmeren protiv NATO već prema zajedničkim interesima u pogledu ostvarivanja cilja opšte bezbednosti. Ambasador Konuzin je istakao da se u Skupštini Srbije vodi rasprava o dobijanju posmatračkog statusa u Skupštini ODKB, ocenio da u tome nema ničeg spornog i pojasnio da članstvo u Organizaciji garantuje bezbednost svih članica bez obzira na obaveze koje proističu iz članstva u raznim savezima, kao i da bi to predstavljalo odraz neutralnog i viševektorskog karaktera srpske politike.<sup>27</sup>

## ZAKLJUČAK

Nesumnjivo je da su evroazijski integracioni procesi u oblasti bezbednosti i uspostavljanja čvršće vojne saradnje između zemalja regiona poslednjih godina u punom zamahu. Dostignute forme zajedničkog delovanja na bezbednosnom planu svakako imaju dovoljno potencijala za budućnost, dok

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25 Gojko Vlaović, „Srbija treba da bude posmatrač u ODKB”, *Danas*, 24. maj 2011, Internet, [http://www.danas.rs/danasrs/politika/srbija\\_treba\\_da\\_bude\\_posmatrac\\_u\\_odkb.56.html?news\\_id=215927](http://www.danas.rs/danasrs/politika/srbija_treba_da_bude_posmatrac_u_odkb.56.html?news_id=215927), 15/01/12.

26 Ljiljana Saletović, „Da li je OUKB alternativa NATO-u”, *Akter*, 11. 10. 2010, Internet, <http://www.slobodanjovanovic.org/2010/10/12/da-li-je-oukb-alternativa-nato-u/>, 15/01/12.

27 „Konuzin: Rusija nije protiv evrointegracije Srbije”, *S media*, 9. jun 2011, Internet, <http://www.smedia.rs/vesti/vest/66504/Aleksandar-Konuzin-EU-Evrointegracije-Konuzin-Rusija-nije-protiv-evrointegracije-Srbije.html>, 15/01/12.

aspiracije za članstvom u njima upućuju na zaključak da će možda samo mali delovi evroazijskog regiona ostati neintegrisani.

Dalji razvoj zajedničke bezbednosne komponente evroazijskih država svakako će zavisiti od odnosa na relaciji Moskva – Peking, s obzirom da u perspektivi interesi dve sile mogu da dođu u konflikt, posebno kada je reč o energetskom segmentu bezbednosti. Rusija je u pogledu izvoza svojih energetskih potencijala više okrenuta ka Evropi, jer je u tom pravcu ruska infrastruktura razvijenija, a cena energenata koja može da se postigne veća, tako da ne postoji razlog da se Rusija odrekne zarade. Pored energetske, najuspešnija izvozna grana Rusije odnosi se na oblast naoružanje. S druge strane, Kina zbog sve većeg rasta obima proizvodnje u svim oblastima ima povećane potrebe za energentima i u tom smislu su njeni pogledi upereni ka prostranstvima Sibira, dok tehnologiju proizvodnje naoružanja uspešno osvaja.

Ne bi trebalo zaboraviti ni interese ostalih država regiona, kao ni činjenicu da dobar deo njih pripada nuklearnom klubu, a najmanje bi trebalo zanemariti interese Severnoatlantskog saveza i njegovih tvoraca kojima je prisustvo u blizini ruskog mekanog trbuha od vitalnog značaja.

Kada se radi o bezbednosti Balkana, na prvi pogled se ne uočava neki bitniji uticaj navedenih evroazijskih organizacija. Većina balkanskih država već je potpuno integrisano u evroatlantske strukture, a one koje nisu na dobrom su putu da to učine. U tom smislu, još uvek je nerealno očekivati da bi kao deo izmenjene ruske bezbednosne strategije ili kao odraz želja jednog dela srpske javnosti u bližoj budućnosti moglo da dođe do instalacije određenih sistema naoružanja na teritoriji Srbije i dubljeg uključivanja u evroazijske bezbednosne integracije.

## LITERATURA

1. Chaturvedi, Sanjay, "Can There be an Asian Geopolitics?", in: Ranabir Samaddar (ed.), *Space, Territory, and the State: New Readings in International Politics*, Orient Longman Private Limited, Hyderabad, 2002.
2. Petrović, Dragan, *Integracioni procesi na postsovjetskom prostoru*, Pašić i sinovi, Beograd, 2010.
3. Kilibarda, Zoran, „Bezbednosne integracije na postsovjetskom prostoru — Organizacija Ugovora o kolektivnoj bezbednosti”, *Vojno delo*, Vol. 62, br 1, 2010.
4. *Договор о колективній безпеці*, Содружество Незавісими́х Государств, 15 мая 1992, Internet, [http://www.businesspravo.ru/Docum/DocumShow\\_Docum\\_ID\\_40703.html](http://www.businesspravo.ru/Docum/DocumShow_Docum_ID_40703.html), 15/06/11.

5. Bailes, Alyson J. K., Dunay, Pál, Guang, Pan and Troitskiy, Mikhail, *The Shanghai Cooperation Organization*, SIPRI Policy Paper No. 17, SIPRI, Stockholm, 2007.
6. Lanteigne, Marc, "Security, strategy and the former USSR: China and the Shanghai Cooperation Organisation, in: Shaun Breslin (ed.), *Handbook of China's International Relations*, Routledge, London, 2010, p. 169.
7. Pakistan Nudges Afghanistan Away From U.S. Towards Asian Bloc, June 16, 2011, CNS News, Internet, <http://www.cnsnews.com/news/article/pakistan-nudges-afghanistan-away-us-towa>, 17/01/12.
8. *Устав Организации Договора о коллективной безопасности*, Интернет, <http://www.odkb.gov.ru/b/azg.htm>, 20/01/12
9. *Коллективные силы оперативного реагирования Организации Договора о коллективной безопасности*, ПРЕСС-РЕЛИЗ 2010, Интернет, [http://www.mamf.ru/odkb\\_mamf/ksor/ksor.pdf](http://www.mamf.ru/odkb_mamf/ksor/ksor.pdf), 21/01/12.
10. Cornwell, Rupert, "Karzai's brother on CIA payroll", 29. 10. 2009, *The Independent on Sunday*, Internet, <http://www.independent.co.uk/news/world/americas/karzais-brother-on-cia-payroll-1811154.html>, 15/01/12.
11. Ejodus, Filip, *Vojno neutralna Srbija i „nova” evropska bezbednosna arhitektura*, Internet, [http://www.filipejodus.net/2009\\_11\\_01\\_archive.html](http://www.filipejodus.net/2009_11_01_archive.html), 15/01/2012.
12. Fatić, Aleksandar, "A Strategy Based on Doubt: Russia Courts Southeast Europe", *Contemporary Security Policy*, Vol. 31, No. 3 (December 2010).
13. Bugajski, Janusz, *Georgian Lessons: Conflicting Russian and Western Interests in the Wider Europe*, Center for Strategic and International Studies, Washington D. C. 2010.
14. Mankoff, Jeffrey, "Eurasian energy security", *Council Special Report No. 43*, February 2009.
15. „Družba Adria: Naftovod uvjet za plinovod”, *Jutarnji list*, Zagreb, 19. 06. 2010, Internet, <http://www.jutarnji.hr/druzba-adria/840443/>, 15/01/2012.
16. Trivić, Branka, „Stratfor: Centar u Nišu može postati ruska baza”, Radio Slobodna Evropa, Internet, 23. oktobar 2009, [http://www.slobodnaevropa.org/content/rusija\\_srbija\\_stratfor/1859651.html](http://www.slobodnaevropa.org/content/rusija_srbija_stratfor/1859651.html), 15/01/12.
17. „Potpisan plan o centru u Nišu”, RTV B92, 21. oktobar 2009, Internet, [http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=10&dd=21&nav\\_id=387854](http://www.b92.net/info/vesti/index.php?yyyy=2009&mm=10&dd=21&nav_id=387854), 15/01/12.
18. *The Military Doctrine of the Russian Federation*, Approved by Russian Federation Presidential Edict on 5 February 2010, Internet, [http://www.sras.org/military\\_doctrine\\_russian\\_federation\\_2010](http://www.sras.org/military_doctrine_russian_federation_2010), 15/01/12.
19. Vlaović, Gojko, „Srbija treba da bude posmatrač u ODKB”, *Danas*, 24. maj 2011, [http://www.danas.rs/danasrs/politika/srbija\\_treba\\_da\\_bude\\_posmatrac\\_u\\_odkb.56.html?news\\_id=215927](http://www.danas.rs/danasrs/politika/srbija_treba_da_bude_posmatrac_u_odkb.56.html?news_id=215927), 15/01/12.

*Gajić. D., Evroazijske bezbednosne integracije i bezbednost Balkana i Srbije , MP 1, 2012  
(str. 53–66)*

20. Saletović, Ljiljana, „Da li je OUKB alternativa NATO-u”, *Akter*, 11. 10. 2010, Internet, <http://www.slobodanjovanovic.org/2010/10/12/da-li-je-oukb-alternativa-nato-u/>, 15/01/12.

***Dr. Dragan ĐUKANOVIĆ and Dejan GAJIĆ***

**EURO-ASIAN SECURITY INTEGRATIONS AND SECURITY  
OF THE BALKANS AND SERBIA**

**ABSTRACT**

The authors analyse the range of security integrations in the post-Soviet area and their impact on security of the broader Euro-Asian region, the Balkans and Serbia. In that regard, they point to the main organisational aspects of security co-operation in the Euro-Asian space that have primarily resulted from the autochthonous initiatives from the states in the region within which they plan or develop specific common forces. The most significant results have been achieved within the Collective Security Organization (CSTO) that was established on the initiative of Russia and a part of the former Soviet Republics, as well as within the Shanghai Cooperation Organisation (SCO), which was established on the initiative of Russia and China. Special emphasis in the paper is given to the security aspects of acting of the organisations mentioned above and their influence on Serbia and the Balkans, taking into consideration, above all, energy security.

*Key words:* Euro-Asia, security, Serbia, Balkans, CSTO, SCO.

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## KONKURENTNOST BALKANSKIH ZEMALJA U SPOLJNOJ TRGOVINI U USLOVIMA GLOBALIZACIJE

### APSTRACT

Razvoj međunarodne trgovine u svetskim razmerama, u uslovima globalizacije, više nego ikad u ekonomskoj istoriji, naglašava problematiku konkurentnosti zemalja i preduzeća u spoljnoj trgovini. Sa podizanjem stepena liberalizacije spoljne trgovine u svetskim razmerama, konkurentnost predstavlja veoma važan faktor od koga zavise rezultati u toj trgovini i, adekvatno tome, ostvarivanje razvojnih i stabilizacionih ciljeva privrede. Konkurentnost u međunarodnoj trgovini je složena kategorija na koju utiču faktori ekonomske i neekonomske prirode. Balkanske zemlje, pojedinačno i zajedno, kroz različite oblike regionalnog ekonomskog povezivanja i ekonomske saradnje, nastoje da svojoj konkurentnosti u spoljnoj trgovini pristupe na način koji će im obezbediti viši nivo te konkurentnosti. Aktivnosti te vrste i tog sadržaja treba da izmene njihov relativno nepovoljan položaj u međunarodnoj trgovini i poboljšaju stanje u njihovom spoljnotrgovinskom i platnom bilansu. U nastojanjima da što brže i efikasnije reše problem konkurentnosti u spoljnoj trgovini, balkanske zemlje se susreću sa brojnim problemima ekonomske i neekonomske prirode koji stoje na putu dostizanju konačnog cilja.

*Ključne reči:* konkurentnost, Balkan, globalizacija, spoljna trgovina, liberalizacija.

### UVOD

Uklanjanje mnogih prepreka slobodnom kretanju roba u međunarodnoj trgovini i smanjenje troškova u transportu i komunikacijama, dovelo je do toga da sve zemlje i kompanije nastupaju i takmiče se na jedinstvenom globalnom tržištu. U današnjoj svetskoj ekonomiji, koju

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karakteriše otvorenost i integracija, konkurentnost ima ključnu ulogu kako u razvijenim zemljama, tako i u zemljama u razvoju. Temelji ekonomskog razvoja u savremenom svetu počivaju na konkurentnosti, koja u svojoj osnovi ima niz faktora zasnovanih na znanju i razvijenoj infrastrukturi, visoko razvijenoj tehnologiji i inovaciji. Dešavanja na političkoj sceni Balkana '90-ih godina prošlog veka i ekonomski sunovrat većine zemalja na prelazu između dva sistema, stopirali su ili čak unazadili razvoj nekih faktora od kojih zavisi konkurentnost njihovih privreda. Stagnacija konkurentnosti negativno se odrazila na privredni razvoj ove grupe zemalja. Neke od njih su, završetkom procesa tranzicije i priključenjem Evropskoj uniji, dobile šansu za intenzivnije unapređenje faktora konkurentnosti, dok su kod ostalih zemalja Balkana ti procesi i dalje usporeni i odvijaju se u problematičnom makroekonomskom i mikroekonomskom okruženju. Nekoliko sprovedenih istraživanja položaja Balkana u međunarodnoj trgovini sugerišu da je Balkan u mogućnosti da ostvaruje značajno veći izvoz od onog koji trenutno ostvaruje.<sup>2</sup> Svi razlozi tog zaostajanja mogu se svesti na zajednički imenitelj, a to je nedovoljna konkurentnost. Napori uloženi u povećanje konkurentnosti doprineli bi na kratak rok, boljem položaju ove grupe zemalja u međunarodnoj trgovini, a isplatili bi se i na dugi rok, poboljšanjem njihove pozicije u međunarodnim ekonomskim odnosima.

## OPŠTE KARAKTERISTIKE I STANJE KONKURENTNOSTI BALKANSKIH ZEMALJA

U periodu nakon Drugog svetskog rata, sve balkanske zemlje su imale relativno stabilan ekonomski razvoj. Makroekonomske analize načinjene u periodu od 1950. do 1980. godine, vezane za stope rasta društvenog proizvoda i nacionalnog dohotka i stope rasta zaposlenosti i potrošnje, ukazivale su na činjenicu da su to bila ekonomski prosperitetna društva. Međutim, situacija se menja početkom '80-ih godina prošlog veka. Pri prelasku na višu razvojnu fazu privrede i društva, pokazalo se da stari metodi i politika ekonomskog razvoja nisu mogli da održe kontinuitet dotadašnjih,

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2 Ovde se pre svega imaju u vidu istraživanja u okviru projekata centra za Balkanske studije koji radi u okviru Filozofskog fakulteta u Nišu. Najznačajnija dostignuća i rezultati projekta publikovani su u periodu od 2005. Do 2010. godine u tematskim zbornicima radova pod nazivom Balkan u procesu evrointegracije. U ovom radu, korišćeni su rezultati istraživanja iz zbornika radova: Balkan u procesu evrointegracije: 20 godina tranzicije (2009), Filozofski fakultet, Niš i Balkan u procesu evrointegracije: Unutarregionalni odnosi (2010), Filozofski fakultet, Niš.

niti da daju bolje rezultate. Unutrašnje protivurečnosti i ekonomski i politički problemi između balkanskih zemalja pokazali su svu nemoć dotadašnjeg sistema, naročito na ekonomskom planu. Ekonomski problemi se najpre počinju manifestovati usporavanjem stope privrednog rasta, padom industrijske proizvodnje, a zatim i tekućom ekonomskom nestabilnošću koja se izražavala visokom inflacijom, deficitima u potrošnji, deficitima u ekonomskim odnosima sa inostranstvom i sl. Svi ovi činioци zajedno doveli su do dugoročnog smanjenja konkurentnosti proizvodnje većeg broja balkanskih zemalja.

Proces tranzicije u koji je početkom '90-ih godina, bila uključena većina balkanskih zemalja (sve osim Grčke i Turske), dodatno je naglasio postojeće ekonomske razlike među njima. Danas je Balkan ekonomski razučeno područje u kome se izdvaja grupa ekonomski razvijenijih zemalja (članice Evropske unije) i grupa zemalja u tranziciji koje rade na tome da, osim geografski, postanu deo razvijene Evrope i u političkom, ekonomskom i kulturnom smislu.<sup>3</sup> Generalno posmatrano, podizanje nivoa konkurentnosti privreda od '90-ih do danas, predstavlja problem sa kojim se, u manjoj ili većoj meri, suočavaju sve balkanske zemlje. Ovaj problem je, naravno, izraženiji u grupi zemalja zapadnog Balkana u kojima su problemi prevailaženja procesa tranzicije još uvek aktuelni. Nizak nivo ekonomskog razvoja, neizgrađenost institucija tržišne privrede, proces tranzicije koji predugo traje i sadržaj ekonomske politike, predstavljaju opredeljujuće grupe faktora koji uslovljavaju sadašnji nizak nivo konkurentnosti u ovoj grupi zemalja. Njihovo dejstvo je očigledno na trendove u spoljnoj trgovini balkanskih zemalja i na kvalitet uticaja konkurentnosti na njihov ekonomski razvoj. Podaci dati u narednoj tabeli potvrđuju polaznu hipotezu da konkurentnost u međunarodnoj trgovini predstavlja „slabu tačku“ svih zemalja Balkana, bez obzira da li su one u Evropskoj uniji ili su na putu da postanu njene članice.

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3 Današnji geopolitički pojam Balkana čine: Albanija, Bosna i Hercegovina, Bugarska, Grčka, Hrvatska, Makedonija, Rumunija, Slovenija, Srbija (sa Kosovom), Crna Gora i Turska. Kada uzmemo u obzir sve njihove sličnosti i razlike, kao homogeni region izdvajaju se zemlje bivše SFRJ bez Slovenije, sa Albanijom (tzv. Zemlje zapadnog Balkana), zatim Grčka, kao dugogodišnji član Evropske unije, Turska kao zemlja prepuna specifičnosti i dugogodišnji kandidat za članstvo u Evropsku uniju i Slovenija, Rumunija i Bugarska kao zemlje kod kojih je proces tranzicije uspešno završen i koje su postale članice Evropske unije.

Tabela 1: Globalna konkurentnost balkanskih zemalja  
u periodu 2005–2010. godine – mesto na listi od 134 zemlje

	2005	2006	2007	2008	2009	2010
Albanija	100	98	109	108	96	86
BiH	88	89	106	107	109	98
Bugarska	61	72	79	76	76	70
Hrvatska	64	51	57	61	72	76
Grčka	46	47	65	67	71	81
Makedonija	75	80	94	89	84	78
Rumunija	67	68	74	68	64	67
Slovenija	32	33	39	42	37	45
Srbija	85	87	91	85	93	92
Crna Gora	...	...	82	65	62	49
Turska	71	59	53	63	61	61

Izvor: World Economic Forum: Global Competitiveness Report (razne godine), Geneva;  
Internet:www.weforum.org; dostupno: /05/I/ 2011./

Podaci o indeksu konkurentnosti ukazuju na nizak položaj balkanskih zemalja na listi od 134 zemlje, čime se izražava njihova slaba konkurentnost u spoljnoj trgovini.<sup>4</sup> Prema podacima iz tabele možemo videti da se 2006. godine većina njih nalazila u donjoj polovini te liste. Te godine, najbolju poziciju na njoj imala je Slovenija (33 mesto); zatim Grčka (47) i Hrvatska (51) mesto. Najslabije su se kotirale: Albanija (na 98 mestu), Bosna i Hercegovina (na 89) i Srbija (na 87 mestu) – to su ujedno i ekonomski najmanje razvijene balkanske zemlje koje imaju veoma izražene razvojne probleme koji se, očigledno, reflektuju i na sektor njihove spoljne trgovine. Do kraja posmatranog perioda (do 2010. godine), pozitivne promene u pravcu poboljšanja svoje konkurentnosti ostvarile su Albanija, Bosna i Hercegovina, Bugarska, Makedonija i Crna Gora i delimično Turska, dok su gotovo sve

4 Na toj listi ispred Srbije, koja se može uzeti kao prosečno konkurentna zemlja u spoljnoj trgovini u grupi balkanskih zemalja u 2008. godini nalazile su se: Indonezija, Tunis, Portoriko, Jordan, Indija, Bocvana, Mauricijus, Panama, Kostarika, Vijetnam, Filipini, Ukrajina, Maroko, Sirija, Honduras, Namibija i sl. Dakle, zemlje, na prvi pogled, sa daleko nerazvijenijim privredama. Videti: Mladen Kovačević, Trendovi, stanje i perspektive ekonomsko-finansijskih odnosa Srbije sa inostranstvom, u: Ekonomsko-finansijski odnosi sa inostranstvom – aktuelna pitanja i perspektive, zbornik radova, Beograd, Naučno društvo ekonomista sa Akademijom ekonomskih nauka, 2008, str. 52.



ostale zemlje pogoršale svoju poziciju u odnosu na poziciju koju su imale na početku posmatranog perioda. Interesantno da je i Grčka zabeležila kontinuirano pogoršanje svoje konkurentne pozicije, merene parametrima koji određuju indeks globalne konkurentnosti (pala je sa 46. mesta u 2005. na 81. mesto u 2010. godini). Analizom globalne konkurentnosti balkanskih zemalja tokom čitavog perioda dolazimo do zaključka da su izvestan napredak ostvarile Albanija i Turska. Konkurentnost Rumunije je ostala na istom nivou 2010. kao i 2005. godine (67. pozicija), dok su ostale zemlje, uz manje ili veće oscilacije, uglavnom pogoršale svoju konkurentnost.

## PROBLEM IZVOZNE KONKURENTNOSTI U SPOLJNOJ TRGOVINI BALKANSKIH ZEMALJA

Pojam međunarodna konkurentnost je kompleksna kategorija u čijem je fokusu sposobnost zemlje da izvozi. Osim toga, ovaj pojam uključuje još i stepen uspešnosti nacionalne privrede u eksploataciji prirodnih, materijalnih i ljudskih resursa u proizvodnji i u nastupu na tržištu, produktivnost, životni standard stanovništva, bilateralne i multilateralne ugovore i sporazume kojih je zemlja potpisnica, članstvo zemlje u različitim međunarodnim organizacijama i slično. Politička i ekonomska prekretnica koju je većina balkanskih zemalja doživela '80-ih godina prošlog veka, dotakla je, u negativnom smislu, sve elemente njihove konkurentnosti. Osim Grčke i Turske, koje je talas tranzicije zaobišao „u velikom luku“, sve ostale zemlje su se susrele sa krizom prelaska na sistem tržišne ekonomije. Politička nestabilnost, sankcije, pad industrijske proizvodnje, orijentacija na primarne proizvode kao glavne izvozne adute, ostavili su dugoročne posledice na konkurentnost onog dela balkanskih zemalja koji se krajem '80-ih godina uključio u proces tranzicije. I pored činjenice da ti negativni efekti nisu bili ravnomerno raspoređeni, odnosno da ih je izvestan broj zemalja prevazišao i, u izvesnom smislu, poboljšao konkurentnost na nivou svojih nacionalnih privreda, može se reći da je konkurentnost na nivou regiona još uvek izuzetno slaba.<sup>5</sup> Od balkanskih zemalja, jedino Turska, Slovenija i Rumunija ostvaruju značajan obim izvoza roba, dok se u sektoru usluga po ostvarenoj

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5 M. Porter, vodeći stručnjak za područje konkurentnosti, smatra da se međunarodna konkurentnost zemalja može oceniti pomoću dve grupe indikatora: postojanja značajnog i trajnog izvoza u veliki broj različitih zemalja i značajnih ulaganja u druga tržišta zasnovana na sposobnostima i resursima stvorenim na nivou nacionalne privrede. Michael E. Porter, *The Competitive Advantage of Nations*, Free Press, New York, 1990, p. 58.

vrednosti izvoza ističu Grčka, Hrvatska i Turska. Ostale zemlje, posmatrane zajedno, kroz prizmu regionalne integracije, predstavljaju perspektivnu izvoznu snagu u evropskim okvirima. Međutim, pokazalo se da su njihovo dosadašnje izvozno i investiciono angažovanje i ostvareni rezultati na nivou nacionalnih ekonomija nedovoljni da obezbede promenu pozicije koju trenutno pojedinačno zauzimaju u međunarodnoj trgovini i međunarodnim ekonomskim odnosima.

Tabela 2: Ostvarena vrednost robnog izvoza balkanskih zemalja u periodu od 1995. do 2009. godine (u mil \$)

	1995.	2000.	2003.	2005.	2007.	2009.
Albanija	202	258	448	658	1.078	1.088
Bosna i Hercegovina	-	24	1.069	2.406	4.154	3.913
Bugarska	5.359	4.809	7.540	11.739	18.494	16.374
Grčka	11.053	11.722	13.351	17.271	23.548	19.973
Hrvatska	4.517	4.432	6.187	8.773	12.364	10.474
Makedonija	1.204	1.323	1.367	2.041	3.302	2.691
Rumunija	7.910	10.367	17.619	27.730	40.434	40.448
Slovenija	8.316	8.732	12.767	19.240	30.061	26.122
Srbija*	1.531	1.711	2.756	5.058	9.648	8.345
Crna Gora	-	-	-	-	-	435
Turska	21.599	27.775	47.253	73.476	107.272	102.129
<b>Ukupno</b>	<b>61.691</b>	<b>71.153</b>	<b>110.357</b>	<b>168.392</b>	<b>250.355</b>	<b>231.992</b>
<b>Učešće u svetskom izvozu roba (u %)</b>	<b>1,19</b>	<b>1,10</b>	<b>1,46</b>	<b>1,60</b>	<b>1,79</b>	<b>1,87</b>

\* Napomena: Podaci do 2007. godine odnose se na Srbiju i Crnu Goru.

Izvor: UNCTAD, Handbook of Statistics 2010, Internet: <http://unctadstat.unctad.org/TableViewer/tableView.aspx>.

Prezentovani podaci pokazuju da u posmatranom periodu sve balkanske zemlje beleže povećanje izvoza. Intenzivniji rast izvoza beleže: Turska, Hrvatska i zemlje članice EU (Grčka, Slovenija, Rumunija i Bugarska), dok je kod ostalih zemalja rast izvoza nešto usporeniji. Logično, prva grupa

zemalja je u tranzicionom periodu, uz pomoć stranih direktnih investicija (pre svega greenfield investicija) uspela da poboljša svoje privredne performanse i veći deo proizvodnih grana i sektora izvezno orijentiše. Ulaskom u Evropsku uniju, Slovenija, Rumunija i Bugarska su dobile pristup velikom tržištu razvijenih zemalja i ujedno obavezu da buduću proizvodnju namenjenu izvozu koncipiraju prema njihovim zahtevima. Ostale balkanske zemlje su, takođe predstavljale novo i privlačno područje za ulaganje stranog kapitala, međutim, politička nestabilnost i privredno-sistemske problemi, doveli su do toga da njihovi investicioni kapaciteti ne budu u potpunosti iskorišćeni. Ipak, može se reći da u posmatranom periodu, čitav region beleži konstantan i stabilan rast vrednosti izvoza – sve do 2009. godine kada, pod uticajem svetske ekonomske krize dolazi do opšteg kolapsa svetske privrede, te smanjenje izvoza postaje globalni problem.

Ono što se, u ovom kontekstu, izdvaja kao specifičan problem Balkana jeste činjenica da, po ostvarenoj vrednosti izvoza roba region Balkana ne predstavlja respektabilnu ekonomsku snagu u svetskim okvirima. Tokom posmatranog perioda, učešće izvoza Balkana u svetskom izvozu ne prelazi 2%. Tendencija povećanja ovog učešća postoji, ali je to povećanje zanemarljivo. Drugi problem sa kojim se sve balkanske zemlje susreću, bez obzira da li su članice EU ili su na putu da to postanu, jeste struktura robnog izvoza u kojoj preovlađuju primarni proizvodi ili proizvodi nižeg stepena finalizacije.<sup>6</sup> Poznato je da cene primarnih proizvoda na svetskom tržištu pokazuju tendenciju dugoročnog smanjenja, pa zemlje kojima su primarni proizvodi glavni izvozni aduti, ne ostvaruju značajne izvozne prihode po tom osnovu. Rešenje bi se moglo naći usmeravanjem postojećih izvoznih prihoda u razvoj nekih industrijskih grana koje bi mogle da postanu nosioci izvozne aktivnosti na dugi rok.<sup>7</sup> Naravno, takva preusmeravanja podrazumevaju

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6 Još u XVII veku po Evropi se raširilo pravilo da: ako država izvozi sirovine, a uvozi industrijsku robu, to se smatralo lošom trgovinom (*bad trade*). Ako je država uvozila sirovine, a izvozila industrijsku robu, to se smatralo dobrom trgovinom (*good trade*). Ako je država izvozila industrijsku robu a uvozila isto industrijsku robu, to se smatralo dobrom trgovinom (*good trade*), za obe strane. Erik S. Reinert, *Globalna ekonomija: kako su bogati postali bogati i zašto siromašni postaju siromašniji*, Čigoja štampa, Beograd, 2006, str. 49.

7 Ako postoji neko mesto gde su siromašni napredovali zbog globalizacije, to je Čile. Između 1987. i 1998. godine, Čile je smanjio siromaštvo više nego duplo. Izvoz sirovina (šume), doneo je prihode kojima se kupovala nova tehnologija i stimulisao rast drugih grana industrije u toj zemlji. Njegov uspeh pokazuje da siromašne države mogu da iskoriste globalizaciju – ako imaju vlade koje aktivno rade na tome. Tina Rosenberg, Internet: <http://www.nytimes.com/2002/08/18/magazine/18GLOBAL.html>.

dosledno sprovođenje uz poštovanje mera ekonomske politike i punu podršku vlade.

Na strani izvoza usluga, situacija na Balkanu je nešto drugačija. Podaci dati u Tabeli 3. pokazuju da najviše vrednosti izvoza usluga u regionu ostvaruju Grčka, Hrvatska i Turska. Njihov najjači izvozni adut predstavljaju turističke usluge, a u strukturi izvoza usluga Grčke i Turske, izdvajaju se i finansijske usluge, komercijalne usluge, građevinarstvo i konsalting.

Tabela 3: Ostvarena vrednost izvoza usluga balkanskih zemalja u periodu od 1995. do 2009. godine (u mil \$)

	<b>1995.</b>	<b>2000.</b>	<b>2003.</b>	<b>2005.</b>	<b>2007.</b>	<b>2009.</b>
Albanija	99	448	720	1.165	1.946	2.410
Bosna i Hercegovina	-	450	721	989	1.458	1.587
Bugarska	1.431	2.175	2.961	4.404	6.829	6.841
Grčka	9.605	19.239	24.283	33.914	43.080	37.789
Hrvatska	2.455	4.071	8.569	9.921	12.471	11.846
Makedonija	185	317	380	515	818	859
Rumunija	1.494	1.747	3.028	5.083	9.439	9.755
Slovenija	2.027	1.888	2.791	3.976	5.691	6.034
Srbija*	-	624	1.232	2.010	4.091	3.490
Crna Gora	-	-	-	-	-	899
Turska	14.606	19.528	18.013	26.770	29.027	33.219
<b>Ukupno</b>	<b>31.902</b>	<b>50.487</b>	<b>62.698</b>	<b>88.747</b>	<b>115.120</b>	<b>114.729</b>
<b>Učešće u svetskom izvozu usluga (u %)</b>	<b>2,59</b>	<b>3,31</b>	<b>3,31</b>	<b>3,47</b>	<b>3,32</b>	<b>3,36</b>

\*Napomena: Podaci do 2007. godine odnose se na Srbiju i Crnu Goru

Izvor: UNCTAD, Handbook of Statistics 2010, Internet: <http://unctadstat.unctad.org/TableViewer/tableView.aspx>.

Podaci izneti za ostale zemlje nedvosmisleno govore o niskom nivou razvijenosti sektora usluga i nedovoljno dinamičnom rastu vrednosti njihovog izvoza u posmatranom periodu. Posmatrano pojedinačno, može se reći da većina balkanskih zemalja bolje rezultate ostvaruje u izvozu roba nego u

izvozu usluga. Sektor usluga predstavlja osnovu njihove dugoročne razvojne perspektive i razvoj tog sektora podrazumeva ulaganja u poboljšanje celokupne infrastrukture, pre svega: ulaganja u razvoj svih grana saobraćaja, funkcionisanje saobraćajne infrastrukture, razvoj sistema za proizvodnju i snabdevanje svim vrstama energije, razvoj telekomunikacionih sistema, uređenost vodotokova i snabdevanja čistom vodom, izgradnju ekoloških sistema i dr. Podaci dati na nivou regiona govore, ne samo o nižim apsolutnim vrednostima izvoza usluga, već i o slabijem intenzitetu rasta vrednosti izvoza usluga u odnosu na izvoz roba. Učešće Balkana u svetskom izvozu usluga je nešto veće nego učešće u svetskom izvozu roba, ali se može reći da je i dalje zanemarljivo i u posmatranom periodu se kreće svega do 3,5%.

Direktna posledica niskog nivoa konkurentnosti balkanskih zemalja jeste spoljnotrgovinski deficit. Problem nedovoljne pokrivenosti uvoza izvozom, odnosno problem spoljnotrgovinskog deficita, prisutan je već decenijama u svim balkanskim zemljama nezavisno od dostignutog stepena privrednog razvoja i statusa koji imaju u odnosima sa Evropskom unijom.

*Tabela 4: Kretanje spoljnotrgovinskog deficita balkanskih zemalja u periodu od 1995. do 2008. godine (u mil \$)*

	<b>1995.</b>	<b>2000.</b>	<b>2003.</b>	<b>2005.</b>	<b>2007.</b>	<b>2008.</b>
Albanija	-557	-779	-1.435	-2.068	-2.936	-3.607
Bosna i Hercegovina	-	-2.617	-3.066	-4.128	-4.665	-6.061
Bugarska	-46	-1.057	-2.651	-5.151	-9.385	-11.977
Grčka	-9.260	-12.820	-17.465	-16.791	-28.165	-36.209
Hrvatska	-1.675	-1.060	-2.197	-2.995	-4.590	-5.679
Makedonija	-685	-701	-915	-1.176	-1.777	-2.840
Rumunija	-2.547	-2.775	-6.078	-12.727	-28.543	-32.475
Slovenija	-477	-819	-303	205	313	-105
Srbija*	-1.135	-1.645	-4.697	-6.227	-11.520	-11.825
Crna Gora	-	-	-	-	-	-1.568
Turska	-4.127	-14.701	-10.976	-27.112	-48.192	-51.386

\* Napomena: Podaci do 2007. godine odnose se na Srbiju i Crnu Goru

Izvor: UNCTAD, Handbook of Statistics 2010, Internet: <http://unctadstat.unctad.org/TableViewer/tableView.aspx>.

Prezentovani podaci pokazuju da je spoljnotrgovinski deficit prisutan u skoro svim ekonomijama balkanskih zemalja i da sve one, u manjoj ili većoj meri, više uvoze nego što izvoze. Vodeće mesto po visini spoljnotrgovinskog deficita zauzimaju Turska, Grčka i Rumunija, a u svim analiziranim zemljama postoji tendencija konstantnog i dinamičnog rasta spoljnotrgovinskog deficita. Izuzetak čini Slovenija, koja je u periodu od 2005. do 2007. godine čak ostvarivala pozitivan saldo robne razmene sa inostranstvom. Ovaj veliki problem balkanske zemlje mogu rešiti podizanjem nivoa konkurentnosti, povećanjem izvoza i, naravno, izmenom strukture tog izvoza u korist većeg učešća industrijskih proizvoda i usluga.

Svi navedeni podaci ukazuju na izuzetno slabu konkurentnost izvoza balkanskih zemalja u međunarodnm okvirima. I u novim odnosima snaga u svetskoj ekonomiji koji forsiraju tržište, a državu vide u ulozi pomoćnog subjekta, ne treba izgubiti iz vida da je upravo država najznačajniji akter podsticanja međunarodne konkurentnosti svake nacionalne privrede. Ona merama ekonomske politike može značajno uticati na promenu konkurentskog rejtinga zemlje u svetskim okvirima. Za poboljšanje izvozne konkurentnosti potrebni su uspešni privredni subjekti, ali njihovo delovanje može dati dobre rezultate samo u kombinaciji sa doslednim i efikasnim sprovođenjem mera fiskalne, monetarne i ostalih ekonomskih politika.

## STRANA ULAGANJA KAO ŠANSZA ZA POVEĆANJE KONKURENTNOSTI

Konkurentnost zemlje u privlačenju stranog kapitala, posebno je značajan deo globalne konkurentnosti, jer od tog kapitala – njegovog obima i strukture ulaganja, zavisi ekonomski razvoj kao i konkurentnost u spoljnoj trgovini. U balkanskim zemljama, strane direktne investicije su posebno značajan faktor privrednog razvoja. Sa aspekta uticaja na privredni razvoj, njihov značaj je za nijansu veći za grupu balkanskih zemalja u tranziciji, nego za Tursku ili balkanske zemlje koje su članica EU. Ovo iz razloga što Grčka, Slovenija, Rumunija i Bugarska predstavljaju deo velikog tržišta Evropske unije i uz ostale pogodnosti koje takav status nosi, imaju i otvoren pristup ino-kapitalu. Sa druge strane, Turska ima ogromno i perspektivno tržište, predstavlja vezu zapadne Evrope sa Bliskim istokom i poslednjih decenija predstavlja veoma interesantno područje za strane investitore. Zemlje zapadnog Balkana, u kojima proces tranzicije još uvek nije završen predstavljaju područje koje ima velike potrebe za stranim kapitalom, velike mogućnosti za ulaganja, ali i

najveći broj problema i prepreka koje stoje na putu dolasku stranih investitora i njihovim ulaganjima. Velike apsorbcione mogućnosti koje ova grupa zemalja ima za stranim kapitalom limitirane su nizom objektivnih činilaca koji su nastali kao nusprodukt procesa tranzicije. Neki od tih činilaca su bili prisutni i ranije, ali se njihov negativni efekat iskristalisao u godinama tranzicije, te sada predstavljaju svojevrsnu kočnicu prilivu stranog kapitala i uopšte, privrednom razvoju ove grupe zemalja. Neki od tih činilaca su: korupcija, neadekvatna infrastruktura, neefikasna administracija, poreski sistem i politika, politička nestabilnost, nedovoljno kvalifikovana radna snaga, pristup finansiranju i sl. Svi ovi faktori negativno utiču na razvoj biznisa i posebno limitiraju ulazak preko potrebnih greenfield investicija na ovaj deo balkanskog tržišta.

Tabela 5: Najproblematičniji činioci za razvoj biznisa u balkanskim zemljama (u%)

	Korupcija	Neadekvatna infrastruktura	Neefikasna i komplikovana administracija	Poreski sistem i politika	Politička nestabilnost	Nedovoljno kvalifikovana radna snaga	Pristup finansiranju
Albanija	13,60	8,50	10,60	13,40	9,20	4,20	14,00
BiH	9,20	8,20	11,50	9,10	7,50	2,40	13,50
Bugarska	15,10	9,30	9,70	6,70	4,80	8,00	13,80
Grčka	14,00	3,90	27,20	11,10	11,50	1,40	9,90
Hrvatska	13,20	1,40	18,80	13,50	2,90	2,70	10,90
Maked.	8,30	8,10	18,00	6,40	12,70	7,70	15,10
Rumunija	6,90	13,90	12,20	11,20	8,60	4,70	15,90
Slovenija	6,40	4,40	15,60	13,00	2,10	4,20	17,40
Srbija	16,00	4,70	12,60	8,90	10,30	4,10	9,10
Crna Gora	8,40	18,40	12,60	5,10	0,60	12,30	16,40
Turska	3,20	6,70	13,40	11,20	12,10	10,30	10,40

Napomena: Na listi od sedam izabranih najznačajnijih faktora za razvoj biznisa, oni sa najvišim vrednostima predstavljaju najproblematičnije faktore.

Izvor: The Global Competitiveness Report 2010–2011, World Economic Forum, Geneva, 2010., pp. 74–331; Interent: [www.weforum.org](http://www.weforum.org); dostupno: /08./ I/ 2011./

Podaci iz Tabele 5 razobličavaju najznačajnije faktore koji utiču na razvoj biznisa u tim zemljama. Prema njima, problem korupcije je najizraženiji u Albaniji, Bugarskoj,<sup>8</sup> Srbiji i u Grčkoj.<sup>9</sup> Sa neadekvatnom infrastrukturom najviše se susreću preduzeća u: Rumuniji i Crnoj Gori, dok u Hrvatskoj problem infrastrukture gotovo da ne postoji. Neefikasna i komplikovana administracija predstavlja opšti problem u pokretanju biznisa na čitavom Balkanu – o tome svedoče visoke vrednosti prikazanih faktora za sve zemlje, osim u slučaju Bugarske – gde su te vrednosti najmanje.

Za poslovanje nepovoljan poreski sistem i politiku imaju Albanija, Hrvatska i Slovenija. Prema najnovijem istraživanju Business Insider-a, na osnovu izveštaja KPMG (globalne mreže profesionalnih firmi koje pružaju usluge revizije i konsaltinga u oblasti oporezivanja), Hrvatska i Grčka se nalaze na listi od 13 država sa najvišim stopama oporezivanja.<sup>10</sup> Politička nestabilnost najveći je rizik u poslovanju u Makedoniji i Turskoj. Sa problemom nedovoljne ponude kvalifikovane radne snage najviše se suočava

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- 8 Jedno istraživanje u Bugarskoj, sprovedeno još decembra 2004. godine, ukazivalo je da je problem korupcije u ovoj zemlji „veoma težak“. Čak 81,9% od ispitanih privrednih preduzeća dalo je takvu ocenu korupciji. Detaljnije: *Мариана Захариева, Блгария и Европјски сојуз: тенденцији б ценностите системи*, у: Предизвикателства на европската перспектива, ур. Анна Мангарова, АЈА, Софија, 2006, стр. 72–73.
- 9 Problem korupcije u balkanskim zemljama nije novijeg datuma. Naime, jedno istraživanje iz još 2000. godine, kojim je bilo obuhvaćeno 89 zemalja, pokazuje da je stanje u tom pogledu u ovoj grupi zemalja bilo vrlo nepovoljno. Prema veličini indeksa CPI (The Corruption Perceptions Indexa), Grčka je bila na 26, Bugarska na 37, Rumunija na 43, Slovenija na 22, Turska na 35. i Jugoslavija na 55. mestu od 89 zemalja. Najmanje je bilo korupcije u Finskoj (1), Danskoj (2), Švajcarskoj (3), Švedskoj (4), Kanadi (5), Islandu (6 mestu) i td. Izvor: Svedsen Gert Tinggaard (2003), *The Political Economy of the European Union: Institutions, Policy and Economic Growth*, *Edvard Elgar*, UK, pp. 74–75.
- 10 Analizirane zemlje su rangirane po stopi poreza na prihode veće od 300 hiljada dolara. Uzete su u obzir efektivne poreske stope. Na prvom mestu, po visini poreza nalazi se Danska, zatim sledi Švedska, Holandija, Papua Nova Gvineja, Belgija i Finska. Na sedmom mestu nalazi se Hrvatska u kojoj se oporezuju prihodi veći od 24.000 evra, uz činjenicu da neki gradovi naplaćuju dodatne gradske takse. U Zagrebu je ta taksa najveća i iznosi 18%. Porez na kapitalnu dobit ne postoji. Stopa poreza na 300.000 evra iznosi 40,2%, a na 100.000 evra 33,7%. Na osmom mestu je Kanada, zatim Italija, Mađarska i na jedanaestom mestu Grčka, gde u periodu od 2010. do 2012. godine stopa poreza za nekretnine vrednosti veće od 5 miliona evra iznosi 2%. U Grčkoj, stopa poreza na 300.000 evra iznosi 39%, a na 100.000 evra 28,7%. Poslednja dva mesta po visini poreskog opterećenja zauzimaju Velika Britanija i Austrija. Izvor: Internet: <http://gdeinvestirati.com>; dostupno 29.05.2011.



Crna Gora, dok se za isti problem u Grčkoj može reći da je zanemarljiv. Pristup finansiranju je najproblematičniji u Sloveniji, Crnoj Gori i Rumuniji. Očigledno da svi činioci, koji su obuhvaćeni tabelom, zbirno preko 50% utiču na uslove poslovanja u balkanskim zemljama pojedinačno, bez obzira da li su u ili izvan Evropske unije. Zbirno posmatrano, kod svih zemalja najizraženije negativno dejstvo na biznis ima neefikasna i komplikovana administracija, dok je raspored obima dejstva ostalih faktora neujednačen. Generalno, treba istaći da smanjenje negativnog dejstva ovih, i drugih, faktora na biznis, za balkanske zemlje predstavlja dugoročni zadatak čije rešavanje treba da bude podsticaj većem prilivu stranih investicija. Poseban značaj za balkanske zemlje imaju greenfield investicije koje jedino mogu u kraćem roku doprineti povećanju konkurentnosti njihove proizvodnje u spoljnoj trgovini i dovesti do neophodnog povećanja izvoza iz ovih zemalja na globalno tržište.

## ZAKLJUČAK

Povećanje stepena konkurentnosti balkanskih zemalja u međunarodnoj trgovini predstavlja jedan od njihovih osnovnih ekonomskih prioriteta. Njegovo ostvarivanje nije jednostavno jer zahteva brojne aktivnosti i promene kako u samoj privredi tako i u njihovim privrednim sistemima i ekonomskim politikama koje vode. Radi se o promenama koje se tiču razvoja tržišnih institucija, transparentnosti u javnom sektoru privrede i ekonomskim aktivnostima države; stvaranje efikasnijeg pravosudnog sistema, prihvatanje standarda EU i WTO u spoljnoj trgovini, unapređenju zakonske regulative i dr. Posebno značajna aktivnost u tom pravcu odnosi se na veći priliv stranih investicija. Mada one imaju širi ekonomski značaj za ove zemlje, od njih se očekuje da daju veći doprinos rastu zaposlenosti, produktivnosti rada i tehnološkom razvoju njihove privrede, ali i da obogate strukturu njihove izvozne ponude, povećaju konkurentnost i obim njihovog izvoza. Posmatrano na kraći rok, bez stranih direktnih investicija balkanske zemlje ne mogu poboljšati svoj položaj u međunarodnoj trgovini, povećati svoj izvoz i ublažiti probleme koje imaju u spoljnotrgovinskom bilansu.

## LITERATURA

1. Gyorgy, Simon and Gyorgy, Simon Jr., "Some Questions of World Economic Competition", u: *Međunarodni problemi*, no. 2–3, 2008 Beograd.

2. Kovačević, Mladen, „Trendovi, stanje i perspektive ekonomsko-finansijskih odnosa Srbije sa inostranstvom“, *Ekonomsko-finansijski odnosi Srbije sa inostranstvom*, Naučno društvo ekonomista sa Akademijom ekonomskih nauka i Ekonomski fakultet, 2008, Beograd.
3. Porter, E. Michael, *The Comparative Advantage of Nations*, Free Press, New York, 1999.
4. Radenković Jocić, Dragana, „Strane investicije kao faktor konkurentnosti u procesu pridruživanja EU“, *Ekonomске teme*, no. 4–5, 2006, Niš.
5. Reinert, S. Erik, „Globalna ekonomija: kako su bogati postali bogati i zašto siromašni postaju siromašniji“, Čigoja štampa, 2006, Beograd.
6. Svendsen, Gert Tinggaard, “The Political Economy of the European Union: Institutions, Policy and Economic Growth“, *Edvard Elgar*, UK, 2003 pp. 74–75.
7. Zaharieva, Mariana (2006): „Балгарија и Европeјски сојуз: тенденцији б ценностите системи“: *Предизвикателства на европската перспектива*, ed. Анна Мантарова, АЛА, Софија, 2006, str. 72–73.
8. Zbornik radova, „Balkan u procesu evrointegracije: 20 godina tranzicije“, ur. Milorad Božić, Filozofski fakultet, 2009, Niš.
9. Zbornik radova, „Balkan u procesu evrointegracije: Unutarregionalni odnosi“, ur. Milorad Božić, Filozofski fakultet, 2008, Niš.
10. World Economic Forum: *The World Competitiveness Report*, za razne godine, Geneva.
11. World Economic Forum (2010), *The Global Competitiveness Report 2010/11*, Geneva.
12. <http://www.nytimes.com>.
13. <http://gdeinvestirati.com>.
14. <http://www.weforum.org>.

**Dr. Ivana BOŽIĆ MILJKOVIĆ**

**FOREIGN TRADE COMPETITIVENESS OF THE BALKAN COUNTRIES UNDER THE CONDITIONS OF GLOBALIZATION**

**ABSTRACT**

The development of international trade on the world scale under the conditions of globalization, more than ever in the economic history has given prominence to the issues of given countries' competitiveness and foreign trade companies. Competitiveness in foreign trade is a complex category affected by the factors of

both economic and non-economic nature. With the increase of the degree of liberalization of foreign trade globally, competitiveness represents a very important factor that the results in this particular trade depend on and, consequently, realization of the developmental and stabilization objectives in the progress of trade. The Balkan countries are making efforts, through diverse forms of regional economic networking and economic cooperation, to define their competitiveness in foreign trade in such a way so as to ensure its higher level. The actions of this kind should change their relatively unfavorable position in international trade and improve the state in their foreign trade balance as well as balance of payments. In doing this, they encounter numerous problems of economic and non-economic nature, namely those that still condition their low competitiveness in foreign trade.

*Key words:* Competitiveness, Balkans, Globalization, Foreign Trade, Liberalization.

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## **ODGOVORNOST ZA ŠTETU ZBOG NESAVESNOG VOĐENJA PREGOVORA – UPOREDNO-PRAVNI PRIKAZ**

### APSTRAKT

Autor ovog rada analizira regulativu instituta odgovornosti za nesavesno vođenje pregovora u normativnim aktima pojedinih zemalja EU i Balkana. Predmet analize su i pravila ponašanja strana tokom pregovora koja su stvarana kroz sudsku praksu i teoriju Švajcarske, Nemačke, Francuske i Mađarske. Analizom su obuhvaćena i pravila najznačajnijih međunarodnih sekundarnih izvora ugovornog prava: Principima evropskog ugovornog prava (PECL) i Zajedničkog pojmovnog okvira (DCFR). Zbog posebne uloge u regulisanju predugovornih odnosa u radu je posvećena značajna pažnja načelu savesnosti i poštenja

*Ključne reči:* odgovornost za nesavesno vođenje pregovora, predugovorna odgovornost, savesnost i poštenje.

### UVOD

Ugovor se može zaključiti na način da jedno lice upućuje ponudu, a drugo je odmah prihvata, ili posle kraćih ili dužih pregovora o zaključenju ugovora. U suštini, najčešće pregovori, kao faza u okviru koje se približavaju stavovi strana o bitnim elementima ugovora, prethode zaključenju

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ugovora. Međutim, nije redak slučaj da stranke nastave pregovore i posle zaključenja ugovora, tokom njegovog ispunjenja npr. u slučaju promenjenih okolnosti. Pravila koja važe za pregovore su identična, kako za pregovore koji prethode zaključenju tako i za one koji se vode posle zaključenja ugovora, s tom razlikom što kod neuspeha potonjih ostaje ugovor, dok kod neuspeha prethodnih ne ostaje ništa. Samo započinjanje pregovora može biti inicirano ponudom, pozivom na pregovore ili pozivom na upućivanje ponude. Bez obzira na to da li pregovori prethode zaključenju ili se vode posle zaključenja ugovora, predugovorni odnos treba jasno distancirati od ugovornog odnosa, jer se ni sadržajno ni vremenski ne poklapaju. Pregovori kao neizvesna i privremena faza, treba samo da doprinesu zaključenju, izmenama i dopunama ugovora. Međutim, sama razlika, predugovornog i ugovornog odnosa, ne znači da je predugovorna faza stanje potpune pravne neutralnosti, i za predugovorni stadijum važe izvesna pravila ponašanja, pa se strane u pregovorima ne mogu jedna naspram druge ponašati kako im volja. Predugovorni odnos, konkretno rečeno, je pravni odnos koji se zasniva na zakonskoj regulativi ili na pravilima ponašanja koja konstruišu sudska praksa i teorija oslanjajući se na načela zakona, a posebno na načelo savesnosti i poštenja. Iz tog odnosa proizilaze posebne obaveze njegovih učesnika, i to obaveze bez primarne obaveze na činidbu. Učesnici predugovornog odnosa nemaju obaveze koje bi se ticale neke činidbe, već obaveze koje se tiču njihovog ponašanja u toku pregovaranja.<sup>2</sup>

Osnovni princip, na kome se temelje predugovorni odnosi, jeste načelo savesnosti i poštenja. Upravo primena ovog načela, u predugovornoj fazi, predstavlja bitnu razliku između common law-a i evropskih prava.<sup>3</sup> U

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2 Mladen Draškić, "Pravni značaj pregovora za zaključenje ugovora", *Anali pravnog fakulteta u Beogradu*, br. 3-4, 1970, str. 339; Jakov Radišić, *Predugovorna odgovornost*, Institut za društvene nauke, Beograd, 1991, str. 10; Miodrag Orlić, *Zaključenje ugovora*, Institut za uporedno pravo, Beograd, 1993, str. 19-35.

3 Za razliku od zemalja sa kontinentalnom pravnom tradicijom u kojima načelo savesnosti i poštenja zauzima centralno mesto, u *common law* pravnim sistemima ovo načelo nije priznato kao opšte pravilo i ne odnosi se na fazu pregovora. Među engleskim teoretičarima postoji shvatanje da bi uvođenje načela savesnosti i poštenja imalo negativan uticaj na slobodu ugovaranja, odnosno pregovaranja, i da bi obeshrabrilo zainteresovana lica da stupe u pregovore. To znači da u ovim pravnim sistemima pregovori imaju aleatorni karakter odnosno prihvaćen je tzv. „negativni koncept slobode ugovaranja“. U tom smislu, za strane koje pregovaraju ne nastaje nikakva obaveza dok se ne zaključi ugovor i one mogu prekinuti pregovore u bilo kom momentu. Videti: Tamara Đurđić, "Predugovorna odgovornost u nacionalnom i evropskom ugovornom pravu", *Pravni fakultet Univerziteta u Kragujevcu-Glasnik prava*, br. 2, 2010, str. 115. <http://www.jura.kg.ac.rs/index.php/sr/219.htm> 01/02/2011; Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 28.

evropskim pravima, načelo savesnosti i poštenja, smatra se fundamentalnim principom, koji treba da odredi ponašanje strana još u toku pregovora.<sup>4</sup>

## POJAM I NASTANAK PREDUGOVORNE ODGOVORNOSTI

Postoji mišljenje da su još i rimski pravници znali za pojam predugovorne odgovornosti, šta je pokušao utvrditi i sam Jering u svojoj raspravi, utemeljujući svoju ideju.<sup>5</sup> Međutim, suština je u tome da se za tvorca problematike predugovorne odgovornosti može smatrati, isključivo, Jering koji je svojom raspravom širom otvorio vrata novom institutu obligacionog prava.<sup>6</sup> Jeringov rad na razvijanju novog instituta obligacionog prava iniciran je činjenicom da tadašnje nemačko pravo nije imalo adekvatno rešenje za situaciju u kojoj je ugovor poništen zbog bitne zablude jedne ugovorne strane ili je poništen zbog nesporazuma ugovornih strana, dok je druga strana, koja nije skrivila ništavost ugovora, otpočela ispunjavati svoje ugovorne obaveze i pritom načinila izvesne troškove. Upotreba ugovorne tužbe za naknadu štete nije dolazila u obzir jer je ugovor ništav, za *actio de dolo* bio je potreban *dolus*, a za upotrebu *Akvilijanske tužbe* nedostajalo je oštećenje stvari.<sup>7</sup> Stoga, Jering svoje razmišljanje usredsređuje na pitanje da li strana koja nije bila u zabludi, odnosno, nije skrivila ništavost ugovora ima pravo na naknadu štete koju je pretrpela zbog poništenja ugovora usled zablude druge strane, i ako ima, po kom osnovu će ostvariti to pravo, po osnovu ugovorne ili po osnovu deliktne odgovornosti.<sup>8</sup>

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4 Videti: Tamara Đurđić, „Ugovorna odgovornost prema pravilima evropskog ugovornog prava” u: Stanko Bejatović (ur.), *Pravni sistem Srbije i standardi Evropske unije i Saveta Evrope*, Pravni fakultet, Institut za pravne i društvene nauke, Kragujevac, 2009, str. 429; Snežana Miladinović, „Pregovori u odredbama Načela evropskog ugovornog prava”, *Pravni život*, vol. 53, br. 10, 2004, str. 571–584; Atila Dudaš, „Odgovornost za nesavesno vođenje pregovora u pravu Srbije, pravima nekih reformskih zemalja i savremenim pisanim izvorima *lex mercatoria*”, *Zbornik radova Pravnog fakulteta u Novom Sadu*, vol. 41, br. 1–2, 2007, str. 369–385.

5 Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 22; Ljiljana Obradović, „O značaju i nastanku *culpae in contrahendo*”, *Godišnjak pravnog fakulteta u Sarajevu*, godina XXXIV, 1987, str. 24.

6 Ljiljana Obradović, „O značaju i nastanku *culpae in contrahendo*”, op. cit., str. 22.

7 *Actio de legis Aquiliae* se mogla upotrebiti samo u slučaju postojanja tzv. akvilijanske štete tj., materijalne štete vidljive na osobi ili na stvari.

8 Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 16; Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 37; Ljiljana Obradović, „O značaju i nastanku *culpae in contrahendo*”, op. cit., str. 22.

Mogućnost da nemarna strana prođe nekažnjeno, a da nevinna strana postane žrtva tuđe krivice, prema Jeringu, predstavlja očiglednu nepravdu. Tu nepoželjnu mogućnost želi da izbegne priznajući oštećenoj strani pravo na naknadu. Jering razlog odgovornosti vidi u *culpa*, koju je jedna strana počinila prilikom sklapanja ugovora, pa je stoga skovao sintagmu *culpa in contrahendo*.<sup>9</sup> *Culpa in contrahendo* predstavlja predugovornu odgovornost koja nastaje zbog skrivljenog kršenja predugovornih obaveza. Iz samog naziva proizilazi da ova vrsta odgovornosti pretpostavlja postojanje *culpa*<sup>10</sup> (nepažnje) kao stepena krivice za vreme ugovaranja (*contrahendo*), dakle u fazi kada ugovor još nije nastao, već se nalazi u stvaranju.

Prema Jeringovom shvatanju lice koje pristupa pregovorima preuzima na sebe obavezu da u pregovorima postupa sa određenom pažnjom (*diligentia in contrahendo*).<sup>11</sup> Dužnost ugovorne diligenije važi kako za uspostavljene, tako i za ugovorne odnose u nastajanju, pa kršenje te dužnosti i ovde, kao i tamo, čini osnov za preduzimanje ugovorne tužbe za naknadu štete.<sup>12</sup> Naime, prema Jeringovom mišljenju, ništavost ugovora označava jedino odsustvo onog dejstva koje se tiče ispunjenja ugovora, odnosno ništav ugovor u stanju je da proizvede sporedna dejstva, tj. obavezu naknade štete.<sup>13</sup>

Jering posmatra predugovornu i ugovornu fazu kao jedinstvenu celinu za koju važe isti principi. Stoga, Jering dolazi do zaključka da je osnov predugovorne odgovornosti ugovornog karaktera. Pritom, sam osnov predugovorne odgovornosti ne izvire iz ugovora čijem se zaključenju težilo, niti iz ugovora koji je zaključen pa poništen, već iz posebnog sporazuma koji nastaje u trenutku stupanja strana u pregovore. Iz tog prećutnog sporazuma proističe obaveza za sve strane u pregovorima da pokažu izvestan stepen pažnje (*diligentia in contrahendo*) koji je potreban za zaključenje ugovora zbog kojeg

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- 9 Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 16.
- 10 Pod pojmom *culpa* današnji pravnici podrazumevaju oba oblika krivice: namera (umišljaj) i nepažnja (nehat), ali je u slučaju *culpa in contrahendo* praktično značajnija krivica u obliku nepažnje. Pod nepažnjom se podrazumeva zapostavljanje opreznosti koja je u predugovornom stadijumu potrebna, čime se krši izvesna predugovorna obaveza. Videti: Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 20-21.
- 11 Rudolf von Jhering, *Culpa in contrahendo, oder Schadenersatz bei nichtigen oder nicht zur Perfection gelangten Verträgen*, Objavljeno u: Bd. 4 Jahrbücher für die Dogmatik des heutigen römischen und deutschen Rechts, tom I, 4/1861, ponovno štampan u Jhering, *Gesammelte Aufsätze*, 1881, str. 41–42.
- 12 Ibid., str. 52.
- 13 Ibid., str. 32.

su i stupile u pregovore kao i za ispunjenje obaveza iz istog. Proizilazi, dakle, da je pažnja koju je potrebno imati u toku pregovora varijabilna, i da zavisi od ugovora koji se želi zaključiti. Prećutni sporazum, pritom rađa obavezu pažljivog postupanja za obe strane, tako da je strana koja pretrpi štetu u toku pregovora dužna dokazati da druga strana nije svoje ponašanje saobrazila pažnji koja se od nje očekivala u toku pregovaranja. Ako ugovaranje propadne ili ugovor bude poništen posle zaključenja, ostaje na snazi prećutni sporazum po osnovu kojeg se strana, odgovorna za prekid pregovora ili poništenje ugovora, može obavezati na naknadu štete, a zbog nepoštovanja obaveze koja se od nje očekivala i bila merodavna za nju iz prećutnog sporazuma.<sup>14</sup>

Jering, takođe, razmatra i obim naknade štete kod predugovorne odgovornosti tako da dolazi do još jednog novog pojma u kontekstu obligacionih odnosa, dolazi do pojma *negativnog ugovornog interesa*. Prema Jeringu, negativni ugovorni interes predstavlja interes koji jedna strana ima da određeni ugovor uopšte nije bio zaključen, jer oštećena strana ima pravo da joj se šteta obračuna prema interesu koji bi imala da se ne obavezuje ugovorom koji nije nastao ili je poništen.<sup>15</sup> Pritom, prema mišljenju Jeringa, negativnim ugovornim interesom treba obuhvatiti i prostu štetu i izmakli dobitak.<sup>16</sup> Jering, takođe, izvodi konstataciju da se raspon negativnog ugovornog interesa može kretati od nule pa sve do iznosa pozitivnog ugovornog interesa.<sup>17</sup>

Jeringova teorija bila je predmet brojnih kritika. Njoj se, pre svega, zamera da nije zasnovana ni na kakvom zakonsko tekstu,<sup>18</sup> već na pogrešno interpretiranom rimskom pravu.<sup>19</sup> Primedbe su stavljene i na mogućnost

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14 Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 16; Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 39-40; Ljiljana Obradović, „O značaju i nastanku *culpae in contrahendo*”, op. cit., str. 25; Mladen Draškić, „Pravni značaj pregovora za zaključenje ugovora”, op. cit., str. 341.

15 Rudolf von Jhering, *Culpa in contrahendo, oder Schadenersatz bei nichtigen oder nicht zur Perfection gelangten Verträgen*, op. cit., str. 16.

16 Ibid., str. 20-22.

17 Ibid., str. 22.

18 Mladen Draškić, „Pravni značaj pregovora za zaključenje ugovora”, op. cit., str. 341; Jeringova teorija ne bi mogla imati toliko velik uticaj na ondašnji pravni život, da nije bila predstavljena kao postulat važećeg prava. Natan Woislowski, *Die Lehre von der Haftung für Verschulden beim Vertragabschluss*, Basel, 1935, str. 81. Navedeno prema Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 19.

19 Mladen Draškić, „Pravni značaj pregovora za zaključenje ugovora”, op. cit., str. 342; Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 22; Ljiljana Obradović, „O značaju i nastanku *culpae in contrahendo*”, op. cit., str. 24.



protezanja *ugovorne diligencije* na predugovornu fazu, prema mišljenju kritike, takvo koncipiranje nije moguće. „U čemu je krivica za povredu ugovora moguće je znati tek uspostavljanjem sadržaja ugovora – a sadržaj ugovora ne postoji pre zaključenja ugovora. Prema tome ne može se znati pre zaključenja ugovora u čemu se sastoji i kakva je *ugovorna diligencija*.“<sup>20</sup> Zatim, kritika vidi u prećutnom sporazumu čistu fikciju, koja nema svoj osnov u praksi.<sup>21</sup> Strana koja nije u mogućnosti da sklapa obligacione ugovore, npr. zbog poslovne sposobnosti, ne može ni odgovarati po osnovu prećutnog sporazuma, jer po logici i za taj sporazum se zahteva poslovna sposobnost. Ako, pritom, ugovor bude poništen iz navedenog razloga, ništav će biti i prećutni sporazum. Ono što se ne može osporiti Jeringu jeste činjenica da je bio začetnik dve nove ideje koje će kasnije izvršiti ogroman uticaj na zakonodavstva i sudsku praksu širom sveta.

U našem pravnom poretku, odgovornost za štetu nastalu zbog prekida pregovora je, relativno, novijeg datuma. Ovaj institut obligacionog prava uveden je u naš pravni poredak 1969. god. Skicom za Zakonik o obligacijama i ugovorima profesora Konstantinovića. Nije se dugo čekalo na sudsku odluku, jer je 1977. godine<sup>22</sup> doneta prva sudska odluka iz ove oblasti. Zakonsko regulisanje, odgovornosti za štetu nastalu zbog prekida pregovora, usledilo je godinu dana posle prve sudske odluke. Takav redosled događaja daje povoda zaključku da je Skica profesora Konstantinovića imala veliki uticaj, kako na zakonsku regulativu tako i na sudsku praksu.

Imajući u vidu činjenicu, da se prilikom izrade Skice profesor Konstantinović služio pozajmicama iz uporednog zakonodavstva,<sup>23</sup> može se jasno zaključiti da je institut odgovornosti za nesavesno vođenje pregovora kao celovit preuzet iz stranog prava.<sup>24</sup> Profesor Konstantinović je odredbe o predugovornoj odgovornosti smestio u član 6. Skice, formulišući ih na sledeći način:

- „1. Pregovori i pogađanja koji prethode zaključenju ugovora ne obavezuju i svaka ih strana može prekinuti kad hoće.
2. Ali odgovara za štetu nastalu zbog pregovora onaj koji je vodio pregovore bez namere da zaključi ugovor.

20 Ljiljana Obradović, „O značaju i nastanku culpa in contrahendo”, op. cit., str. 25.

21 Mladen Draškić, „Pravni značaj pregovora za zaključenje ugovora”, op. cit., str. 342.

22 Presuda Saveznog suda Gsz. 51/77 od 11. jula 1977. godine, Zbirka sudskih odluka (nova serija) knjiga III, sveska 2, odluka br. 178.

23 Zlatko Jurišić, „Odgovornost za prekid pregovora po Zakonu o obligacionim odnosima”, *Privredno pravni priručnik*, godina XXX, br. 2, februar 1992, str. 45.

24 Ljiljana Obradović, „O značaju i nastanku culpa in contrahendo”, op. cit., str. 21.

3. Odgovara za prouzrokovanu štetu i onaj koji je vodio pregovore u nameri da zaključi ugovor, pa pošto je svojim držanjem naveo drugu stranu na gubitke, odustao od te namere bez osnovanog razloga.“

Redaktori Zakona o obligacionim odnosima preuzeli su članom 30. ZOO, uz određenu korekciju teksta,<sup>25</sup> član 6. Skice i na taj način uveli našu zemlju u krug retkih zemalja koje su zakonskim odredbama regulisale predugovornu odgovornost.

## PRAVNI SISTEMI U KOJIMA JE ODGOVORNOST ZA PREKID PREGOVORA POSEBNO REGULISANA

### *Grčki Građanski zakonik*

Grčki Građanski zakonik<sup>26</sup> reguliše predugovorne odnose u dva nivoa. U prvom nivou opštim načelom: „Prilikom pregovora radi zaključenja ugovora partneri su dužni da se jedan prema drugom ponašaju onako kako im nalaže savjestnost i poštenje i običaji saobraćaja“<sup>27</sup> U drugom nivou formulisano je posebno pravilo o predugovornoj odgovornosti: „Ko u toku pregovora za zaključenje ugovora drugom prouzrokuje štetu svojom krivicom, dužan je da je naknadi, čak i kad ugovor nije zaključen.“<sup>28</sup> Ovo pravilo o odgovornosti zbog culpa in contrahendo grčki Građanski zakonik preuzima iz nemačke sudske prakse koje nije bilo sadržano u tekstu nemačkog Građanskog zakonika.<sup>29</sup> Treba naglasiti da se grčki Građanski zakonik, stavom 2. člana 198, opredeljuje za deliktan karakter predugovorne odgovornosti.

Kvalitetne odredbe o pregovorima grčkog Građanskog zakonika imale su uticaja i na zakonodavnu aktivnost nekih drugih zemalja. Slične odredbe imaju i bugarski Zakon o obavezama i ugovorima (član 12),<sup>30</sup> izraelski Zakon o ugovorima (član 12a i 12b).

25 Izostavljanjem važnog dela trećeg stava: „pa pošto je svojim držanjem naveo drugu stranu na gubitke“ znatno je otežano tumačenje teksta i namere zakonodavca iz čl. 30. ZOO.

26 Grčki Građanski zakonik(1940). [http://www.fa3.gr/nomothesia\\_2/nomoth\\_gen/19-Astikos-kodikas-genika.htm](http://www.fa3.gr/nomothesia_2/nomoth_gen/19-Astikos-kodikas-genika.htm) 04/02/2011.

27 Čl. 197. grčkog Građanskog zakonika.

28 Čl. 198. st. 1. grčkog Građanskog zakonika.

29 [http://sh.wikipedia.org/wiki/Gr%C4%8Dki\\_gra%C4%91anski\\_zakonik](http://sh.wikipedia.org/wiki/Gr%C4%8Dki_gra%C4%91anski_zakonik) 04/02/2011.

30 „Tokom pregovaranja strane moraju postupati u dobroj veri. U suprotnom su odgovorne za naknadu štete“, <http://geodeya.com/bg/realestates-laws/92-zzd> 04/02/2011.

### *Italijanski Građanski zakonik*

Italijanski Građanski zakonik<sup>31</sup> u članu 1337. pod naslovom: pregovori i predugovorna odgovornost (*Trattative e responsabilità precontrattuale*), reguliše predugovorne odnose na sledeći način: “U toku pregovora i nastajanja ugovora strane su dužne da se ponašaju savesno.”<sup>32</sup> Ovako formulisano pravilo italijanskog Građanskog zakonika često se uzima kao uzor zakonskog regulisanja pregovora. Ono što se može na prvi pogled zapaziti, a čime se italijanski Građanski zakonik razlikuje od ranijih zakonskih rešenja, jeste primena načela savesnosti u regulisanju pregovora. Stranke su dužne da se još u toku pregovora ponašaju u skladu sa načelom savesnosti.

### *Predugovorna odgovornost u poljskom pravu*

U okviru Građanskog zakonika republike Poljske iz 1964. godine<sup>33</sup> institut odgovornosti za nesavesno vođenje pregovora za zaključenje ugovora regulisan je u čl. 72. st. 2. Iz formulacije ove odredbe<sup>34</sup> može se zaključiti da je načelo savesnosti i poštenja osnovni konstruktivni element regulisanja odgovornosti za nesavesno vođenje pregovora u poljskom pravu: strana koja je započela ili vodila pregovore protivno *dobrim običajima*, posebno ako je pregovore vodila bez stvarne namere da se zaključi ugovor, dužna je da drugoj strani naknadi štetu koja je proistekla iz toga što je ona računala na to da će do zaključenja ugovora stvarno i doći. Pozivanje na dobre običaje, u suštini, je pozivanje na načelo savesnosti i poštenja, pre svega na njegovu objektivnu komponentu, na imperativ poštenosti, što proizilazi iz jezičkog konteksta čl. 72. st. 2.<sup>35</sup>

31 Italijanski Građanski zakonik (1942). [http://www.jus.unitn.it/cardozo/obiter\\_dictum/codciv/Lib4.htm](http://www.jus.unitn.it/cardozo/obiter_dictum/codciv/Lib4.htm), 04/02/2011.

32 Čl. 1337. italijanskog Građanskog zakonika – “*Le parti, nello svolgimento delle trattative e nella formazione del contratto, devono comportarsi secondo buona fede.*” [http://www.jus.unitn.it/cardozo/obiter\\_dictum/codciv/Lib4.htm](http://www.jus.unitn.it/cardozo/obiter_dictum/codciv/Lib4.htm), 04/02/2011.

33 Poljski Građanski zakonik, donet 23. aprila 1964. godine (Dziennik Ustaw 1964. No. 16, 93) sa brojnim kasnijim izmenama i dopunama (u daljem tekstu: PGZ) – [http://www.ihlublin.pl/pliki%20do%20pobrania/kodeks\\_cywilny.pdf](http://www.ihlublin.pl/pliki%20do%20pobrania/kodeks_cywilny.pdf), 14/05/2011.

34 „Strona, która rozpoczęła lub prowadziła negocjacje z naruszeniem dobrych obyczajów, w szczególności bez zamiaru zawarcia umowy, jest obowiązana do naprawienia szkody, jaką druga strona poniosła przez to, że liczyła na zawarcie umowy” [http://www.ihlublin.pl/pliki%20do%20pobrania/kodeks\\_cywilny.pdf](http://www.ihlublin.pl/pliki%20do%20pobrania/kodeks_cywilny.pdf), 14/05/2011.

35 Atila Dudaš, “Odgovornost za nesavesno vođenje pregovora u pravu Srbije, pravima nekih reformskih zemalja i savremenim pisanim izvorima *lex mercatoria*” op. cit., str. 375.

PGZ predviđa i dužnost čuvanja poverljivih informacija do kojih se došlo tokom vođenja pregovora.<sup>36</sup> U nedostatku drugačijeg sporazuma, ako je tokom vođenja pregovora, jedna strana drugoj strani saopštila informacije koje se mogu smatrati poverljivim, druga strana ne sme te informacije saopštiti ili učiniti dostupnim trećim licima, niti da iskoristi iste u sopstvenu korist. Strana koja je povredila dužnost čuvanja poverljivih informacija, dužna je da naknadi drugoj strani time prouzrokovana štetu ili da joj ustupi korist koju je stekla zloupotrebom poverljivih informacija.<sup>37</sup>

*Predugovorna odgovornost u pravima Republike Srbije, Slovenije, Makedonije, Republike Srpske/BiH, Crne Gore i Hrvatske*

Začetnik ideje o zakonskom regulisanju predugovornih odnosa, u našem pravu, bio je Mihailo Konstantinović u svojoj *Skici za zakonik o obligacijama i ugovorima*.<sup>38</sup> On je u svojoj Skici predvideo gotovo istovetno rešenje pitanja odgovornosti za nesavesno vođenje pregovora, kao i Zakon o obligacionim odnosima.<sup>39</sup> Naime, ZOO je inkorporisao u čl. 30, uz neznatnu razliku čl. 6 Skice, i tako uveo našu zemlju u krug zemalja koje posebnim odredbama zakona regulišu predugovornu fazu odnosa. Pre *Skice za zakonik o obligacijama i ugovorima*, u našem pravu, predugovorna odgovornost nije bila regulisana.<sup>40</sup>

36 Art. 721. (43) § 1 „Jeżeli w toku negocjacji strona udostępniła informacje z zastrzeżeniem poufności, druga strona jest obowiązana do nieujawniania i nieprzekazywania ich innym osobom oraz do niewykorzystywania tych informacji dla własnych celów, chyba że strony uzgodniły inaczej.“ [http://www.ihlublin.pl/pliki%20do%20pobrania/kodeks\\_cywilny.pdf](http://www.ihlublin.pl/pliki%20do%20pobrania/kodeks_cywilny.pdf) 14/05/2011.

37 Atila Dudaš, „Odgovornost za nesavesno vođenje pregovora u pravu Srbije, pravima nekih reformskih zemalja i savremenim pisanim izvorima *lex mercatoria*” op. cit., str. 375.

38 Mihailo Konstantinović, *Obligacije i ugovori: Skica za zakonik o obligacijama i ugovorima* (Klasici jugoslovenskog prava), „Službeni list SRJ“, Beograd 1996, prvi put objavljena 1969. godine u izdanju Pravnog fakulteta u Beogradu (u daljem tekstu: Skica).

39 Zakon o obligacionim odnosima – ZOO, „Službeni list SCG“, br. 1/2003.

40 Atila Dudaš, „Odgovornost za nesavesno vođenje pregovora u pravu Srbije, pravima nekih reformskih zemalja i savremenim pisanim izvorima *lex mercatoria*” op. cit., str. 371; Zlatko Jurišić, „Odgovornost za prekid pregovora po Zakonu o obligacionim odnosima” op. cit., str. 44; Miodrag Orlić, „Ogled o odgovornosti za prekid pregovora”, *Pravni život*, vol. 45, br. 10, 1996, str. 529; Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 32; Suprotno: Mladen Draškić, „Predugovorna odgovornost”, *Knjiga o desetogodišnjici ZOO (1978-1988)*, tom I, 1988, str. 145. navodi presudu br: Gz 61/69 objavljenu u: Zbornik sudskih odluka iz 1970., knjiga XV, sv. II, odluka br. 232. čija sentenca govori u prilog činjenici da su i u tom periodu činjeni izleti sudskim odlukama u kontekst predugovorne odgovornosti.

Jedno od osnovnih načela našeg ugovornog prava jeste načelo autonomije volje<sup>41</sup> iz koga proističe sloboda ugovaranja, pa su stranke slobodne da u granicama prinudnih propisa, javnog poretka i dobrih običaja svoje odnose urede po svojoj volji. Volja strana pri uređivanju obligacionih odnosa je, svakako, ograničena i načelom savesnog i poštenog postupanja.<sup>42</sup> Na ovim opštim načelima zasniva se sloboda pregovaranja. Međutim, naš zakonodavac se nije zadovoljio načelnim formulacijama, već je predugovorne odnose, pregovore, regulisao i posebnim normama. Pa, tako u čl. 30 proglašava slobodu pregovaranja kao opšte pravilo. Pregovori koji prethode zaključenju ugovora ne obavezuju i svaka ih strana može prekinuti kad god hoće.<sup>43</sup> Ali se zatim, kao izuzeci od opšteg pravila, predviđaju dva pravila kojima se uređuju dužnosti strana u pregovorima. U prvom od njih se navodi da strana koja je vodila pregovore bez namere da zaključi ugovor odgovara za štetu nastalu vođenjem pregovora,<sup>44</sup> a u drugom, odgovara za štetu i strana koja je vodila pregovore u nameri da zaključi ugovor, pa odustane od te namere bez osnovanog razloga i time drugoj strani prouzrokuje štetu.<sup>45</sup>

ZOO, dakle, razlikuje tri situacije, mada nejasno formulisane, na koje se predugovorna odgovornost može odnositi. Prva je kada jedna strana uđe u pregovore, bez postojanja bilo kakve namere da zaključi ugovor o kojem pregovara i pri tom prouzrokuje štetu drugoj strani koja je pogrešno, verujući u uspešnost pregovora, načinila izdatke koji nisu zanemarljivi. Druga situacija je ona kada jedna strana uđe u pregovore sa namerom da zaključi ugovor, pa od nje odustane i nastavi da vodi pregovore, nakon što je odustala od namere da ugovor o kome vodi pregovore i zaključi. I treća situacija, kada strana prekine pregovore bez opravdanog razloga i time drugoj strani prouzrokuje štetu.

Imajući u vidu činjenicu da su predugovorni odnosi regulisani i načelom savesnosti i poštenja, jer se jasno kaže da u zasnivanju obligacionih odnosa i ostvarivanju prava i obaveze iz tih odnosa učesnici su dužni da se pridržavaju načela savesnosti i poštenja, može se zaključiti da su normirani i oni pojavni oblici predugovorne odgovornosti koji nisu obuhvaćeni čl. 30, ZOO. Na osnovu toga, može se očekivati proširenje dužnosti pregovarača koje se izvode

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41 Čl. 10. ZOO.

42 Čl. 12. ZOO.

43 Čl. 30. st. 1. ZOO.

44 Čl. 30. st. 2. ZOO.

45 Čl. 30. st. 3. ZOO.

iz načela savesnosti i poštenja,<sup>46</sup> mada, za sada, sudska praksa ima u vidu samo čl. 30 ZOO, dok obilje varijacija koje pruža načelo savesnosti i poštenja se ispušta iz vida.<sup>47</sup> Tako se niz pojavnih oblika povrede načela savesnosti i poštenja u predugovornoj fazi, najčešće, podvodi pod deliktnu odgovornost, npr. otkrivanje poslovne tajne, koja se u suštini primenom načela savesnosti i poštenja može koncipirati kao oblik predugovorne odgovornosti.<sup>48</sup>

Imajući u vidu činjenicu da su novija zakonodavstva u regulisanju predugovornih odnosa krenula putem Principa evropskog ugovornog prava, taj kurs bi trebalo slediti prilikom eventualnog noveliranja našeg Zakona o obligacionim odnosima, ili njegove inkorporacije u budući Građanski zakonik, npr:

1. Pregovori koji prethode zaključenju ugovora ne obavezuju i svaka ih strana može prekinuti ako je to savesno i pošteno.
2. Strana koja je pregovarala ili prekinula pregovore suprotno načelu savesnosti i poštenja odgovara za štetu koju je tim činom prouzrokovala drugoj strani.

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46 Inače, smatra se da načelo savesnosti i poštenja ima četiri funkcije. Prva je funkcija konkretizacija, a zahteva ne samo pridržavati se ugovora, već valja voditi računa i o smislu i svrsi obligacionog odnosa uopšte. Prema drugoj funkciji to načelo javlja se kao izvor dodatnih obveza (u tome se sastoji njegova regulativna funkcija). Funkcija ograničenja zahteva da se učesnici obligacionopravnih odnosa u obavljanju svojih prava moraju suzdržati od mogućeg korišćenja položaja u obligacionopravnom odnosu i sprovođenje prava na način protivan načelu savesnosti i poštenja. Najzad, funkcija korekcije garantuje izmenu sadržaja ugovora i pravnog položaja stranaka, u svrhu prilagođavanja ugovora izmenjenim okolnostima. Videti: Vjekoslav Ivančić, „Predugovorna odgovornost”, *Pravnik*, vol. 40, No. 83, 2006, str. 142.

47 Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 33.

48 Kod slučajeva otkrivanja poslovne tajne, sudovi su sporove rešavali primenom pravila deliktne odgovornosti, zbog čega je bilo rašireno mišljenje da otkrivanje poslovne tajne predstavlja klasičan delikt i da takve situacije isključivo i treba rešavati na temelju pravila te odgovornosti. Suprotno tome, kaže se da se u prosuđivanju radi li se kod otkrivanja poslovne tajne o deliktnoj ili predugovornoj odgovornosti osnovno pitanje bilo bi na koji je način štetnik došao do podatka koji predstavlja poslovnu tajnu. Ako je on taj podatak saznao u toku pregovora od svoga sapregovarača radilo bi se o predugovornoj odgovornosti, a ako bi neka osoba koja nije u pregovorima s nekom drugom osobom saznala određene poslovne tajne te druge osobe radilo bi se o klasičnom deliktu. Vidi: Vjekoslav Ivančić, „Predugovorna odgovornost”, op. cit., str. 142; Videti: Ivica Jankovec, „Očuvanje tajne iz pregovora radi zaključenja ugovora”, *Pravni život*, vol. 54, br. 11, 2005, str. 455–458.

3. Ako je jedna strana u pregovorima dala drugoj strani poverljive informacije ili joj omogućila da do njih dođe, druga ih strana, ako nije drukčije ugovoreno, ne sme učiniti dostupnim trećim licima niti ih koristiti za svoje potrebe, bez obzira na to je li ugovor kasnije zaključen ili nije.

Nova zakonodavna regulativa u Obligacijskom Zakoniku Republike Slovenije<sup>49</sup> iz 2001. godine i Zakonu o obligacionim odnosima Republike Makedonije<sup>50</sup> sadrže u doslovnosti istu regulativu o pregovorima kao i naš ZOO.

Republika Srpska, odnosno Federacija BiH sa neznatnim izmenama još uvek primenjuju nekadašnji savezni ZOO iz 1978. godine, mada je u proceduri donošenje novog zakona o obligacionim odnosima čiji je zvaničan nacrt<sup>51</sup> objavljen 2003. godine, ali još nije došlo do njegovog usvajanja. Izmene ZOO u Republici Srpskoj/BiH nisu dotakle pitanje odgovornosti za nesavesno vođenje pregovora, tako Nacrt novog zakona čl. 26. ne uvodi nikakvu novinu u pogledu ovog instituta, u odnosu na nekadašnji ZOO SFRJ.

Zakon o obligacionim odnosima Crne Gore,<sup>52</sup> po pitanju nesavesnog vođenja pregovora, predviđa samo jednu novinu u odnosu na nekadašnji ZOO SFRJ. Članom 23. st. 5. ZOOG predviđa obavezu čuvanja poverljivih informacija.<sup>53</sup>

Značaj načela savesnog i poštenog postupanja u predugovornoj fazi jasno pokazuje donošenje novog Zakona o obaveznim odnosima Republike Hrvatske,<sup>54</sup> gde se zakonodavac u odredbama novog ZOO-Hr poslužio načelom savesnosti i poštenja kao generalnom klauzulom u okviru koje su inkorporisani svi mogući pojavni oblici povrede predugovorne odgovornosti. Naime, umesto odgovornosti za odustanak od pregovora „bez opravdanog

49 Obligacijski zakonik, Ur. list, Republike Slovenije, br. 83/2001, 32/2004, 28/2006, Odluka US: U-I-300/04-25, objavljene u Up. list br. 29/2007 i odluka US: U-I-267/006-41, objavljene u Ur. list br. 40/2007.

50 Zakon o obligacionim odnosima Republike Makedonije, Sl. vesnik RM br 18/01, 78/01, 04/02, 59/02 i 05/03.

51 Nacrt zakon o obligacionim odnosima, Federacija BiH / Republika Srpska, Stanje 16/06/2003, <http://ruessmann.jura.uni-sb.de/BiH-Project/Data/Obligacije%2016.06.03.pdf>.

52 Zakon o obligacionim odnosima, „Sl. list Crne Gore“, br. 47/08. (ZOOG)

53 Ako je jedna strana u pregovorima dala drugoj strani poverljiva obavještenja ili joj omogućila da dođe do njih, druga ih strana, ako nije drukčije ugovoreno, ne smije učiniti dostupnim trećim licima niti ih koristiti za svoje interese, bez obzira da li je ugovor naknadno zaključen ili nije.

54 Zakon o obaveznim odnosima Republike Hrvatske (ZOO-Hr), „Narodne novine“, br. 35/2005.

razloga“, prema ZOO-Hr strana koja je vodila pregovore odgovaraće drugoj strani za nastalu štetu, ako je pregovore vodila i iste prekinula „suprotno načelu savjesnosti i poštenja“. <sup>55</sup> Pregovaranje bez namere sklapanja ugovora <sup>56</sup> i prekidanje pregovora bez opravdanog razloga definitivno su i dalje situacije u kojima predugovorna odgovornost postoji, jer i one predstavljaju ponašanja protivna načelu savjesnosti i poštenja. Međutim, ovom se stavkom ta odgovornost ne ograničava samo na njih, već i na sve ostale slučajeve povrede tog načela u fazi pregovaranja. <sup>57</sup>

Zakon o obaveznim odnosim Republike Hrvatske predviđa jednu bitnu novinu u odnosu na ZOO, a to je obaveza čuvanja poverljivih informacija u vezi druge strane do kojih je strana došla tokom pregovora „Ako je jedna strana u pregovorima dala drugoj strani povjerljive obavijesti ili joj omogućila da dođe do njih, druga ih strana, ako nije drukčije ugovoreno, ne smije učiniti dostupnim trećima niti ih koristiti za svoje interese, bez obzira je li naknadno ugovor sklopljen ili nije.“ <sup>58</sup> Prema rečima zakona, ovo pravilo je dispozitivne prirode i primenjivaće se samo u slučaju da se strane nisu drugačije dogovorile.

Navedena rešenja iz Zakona o obaveznim odnosima Republike Hrvatske su u potpunom skladu sa odredbama Principa evropskog ugovornog prava.

## PRAVNI SISTEMI U KOJIMA SU SUDSKA PRAKSA I TEORIJA STVORILE PRAVILA O PONAŠANJU PREGOVARAČA

U pojedinim evropskim pravima (nemačko, švajcarsko...) načelo savjesnosti i poštenja je shvaćeno kao vrhovno načelo u pravu. Smisao ovog načela ogleda se u zahtevu da se svako lice u svakoj prilici ponaša savesno. <sup>59</sup> Sudovi ovih zemalja, oslanjajući se na načelo savjesnosti i poštenja, stvorili su pravila o ponašanju pregovarača. Najbolji primer kreativne uloge sudske prakse u stvaranju pravila ponašanja pregovarača tokom pregovora jeste praksa švajcarskih sudova: 1) *dužnost ozbiljnog pregovaranja* – Lice koje inicira

55 „Ali strana koja je pregovarala ili prekinula pregovore suprotno načelu savjesnosti i poštenja odgovorna je za štetu koja je time prouzročena drugoj strani.“ Čl. 251. st. (2). ZOO-Hr.

56 „Suprotno je načelu savjesnosti i poštenja, između ostalog, ako strana uđe u pregovore s drugom stranom bez prave namjere da s tom stranom sklopi ugovor.“ Ova formulacija, u čl. 251. st. (3). ZOO-Hr, je suvišna imajući u vidu st. 2. istog člana.

57 Vjekoslav Ivančić, “Predugovorna odgovornost”, op. cit., str. 143.

58 Čl. 251. st. (4). ZOO-Hr.

59 Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 28.



pregovore dužno je da ih vodi sa namerom da zaključi ugovor. Ako neko otpočne pregovore bez namere zaključenja ugovora, ili ako ih povede u toj nameri, pa docnije od nje odstupi bez osnovanog razloga, odgovara drugoj strani za prouzrokovanu štetu;<sup>60</sup> 2) *dužnost uzdržavanja od prevare* – Strane u pregovorima su dužne da se tokom pregovora ponašaju lojalno i korektno;<sup>61</sup> 3) *dužnost obaveštavanja* – Svaka strana u pregovorima je dužna obavestiti drugu stranu o svim činjenicama koje mogu biti od značaja za njenu odluku o nastavljanju pregovora i o eventualnom zaključenju ugovora;<sup>62</sup> 4) *dužnost davanja saveta* – Pregovarač je dužan da u vezi sa zaključenjem eventualnog ugovora pruži savete drugoj strani po svom najboljem znanju i umeću. To naročito važi kada je reč o pregovaračima nejednakih stručnih znanja.<sup>63</sup>

Oslanjajući se na načelo savesnosti i poštenja nemački teoretičari su obaveze strana tokom pregovora klasifikovali na “dužnosti očuvanja i staranja”<sup>64</sup> i “obaveze lojalnosti i diskrecije.”<sup>65</sup> „Dužnosti očuvanja i staranja“ služe zaštititi ličnih i imovinskih dobara partnerovih dok pregovori traju. Učesnici pregovora ne smeju svojim postupcima škoditi telesnom i imovinskom integritetu druge strane. Sa druge strane, „obaveze lojalnosti i diskrecije“ su obaveze davanja određenih obaveštenja i objašnjenja. Strane u pregovorima su dužne da jedna drugu obaveste o izvesnim činjenicama: 1) o okolnostima što stoje na putu zaključenja punovažnog ugovora; 2) o činjenicama koje su od presudnog značaja za odluku druge strane da ugovor sklopi; 3) o sadržaju i domašaju opštih uslova na koje se ugovor oslanja; 4) o naročito opasnim svojstvima predmeta ugovora.<sup>66</sup>

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60 Presuda Vrhovnog suda Švajcarske ATF 77/1951 II 136.(Arrêt du Tribunal Fédéral). Navedeno prema Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 29.

61 Presuda Vrhovnog suda Švajcarske ATF 105/1979 II, 80. Navedeno prema Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 29.

62 Odluke Vrhovnog suda Švajcarske: ATF 102/1976 II 84, ATF 105/1979 II 80, ATF 66/1940 II 140. Navedeno prema Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 30.

63 Odluka Vrhovnog suda Švajcarske: ATF 68 II 302. Navedeno prema Miodrag Orlić, *Zaključenje ugovora*, op. cit., str. 30.

64 Rudolf Thimann, *Culpa in contrahendo- ein Beitrag zum Deliktsrecht*, Gelsenkirchen, 1984, str. 1-2. Navedeno prema Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 11.

65 Karl Larenz, *Lehrbuch des Schuldrechts*, Band I: *Allgemeiner Teii*, 13. Auflage, München, 1982, str. 100-101. Navedeno prema Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 62.

66 Volker Emmerich, u: *Münchener Kommentar zum Bürgerlichen Gesetz buch*, Band 2: *Schuldrecht, Allgemeiner Teil*, München, 1979, Vorbemerkungen vor §275, marginalni broj 92. Navedeno prema Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 11.

Obaveze davanja obaveštenja i objašnjenja treba shvatiti u užem smislu, one se ne smeju razvlačiti tako daleko da njen imalac praktično snosi ugovorni rizik svoga partnera. Takođe, ove obaveze odnose se samo na činjenice koje druga strana ne zna niti je dužna znati.<sup>67</sup>

Mada francuski Code civile (CC), u svojim odredbama, ne predviđa direktno rešenje problema nesavesnog vođenja pregovora, francuska teorija nalazi legalnu osnovu za ovu odgovornost u opštem pravilu odgovornosti, koju predviđa čl. 1382. CC.<sup>68</sup> Većina pravnika u francuskoj doktrini stoji na stanovištu da predugovorna odgovornost ima svoj izvor u deliktu i mora biti određena prema opštim principima deliktne odgovornosti.<sup>69</sup>

Mađarski Građanski zakonik<sup>70</sup> (MGZ) ne sadrži odredbe koje bi na neposredan način regulisale predugovornu odgovornost, ali to ne znači da se iz MGZ ne mogu izvesti principi po osnovu kojih bi pregovarač odgovarao za štetu nastalu usled nesavesnog vođenja pregovora. Kao osnovno načelo građanskog prava u MGZ javlja se načelo savesnosti i poštenja i dužnost međusobne saradnje čl. 4 st. 1. MGZ, gde se predviđa da su učesnici u građanskopravnom odnosu dužni da u ostvarivanju prava i izvršavanju obaveza postupaju u skladu sa principom savesnosti i poštenja, uz dužnost međusobne saradnje.<sup>71</sup> Načelo savesti i poštenja i dužnosti međusobne saradnje je u domenu ugovornog prava dalje konkretizovano, jer MGZ predviđa da su ugovorne strane prilikom zaključenja ugovora dužne da vode računa o opravdanim interesima druge strane.<sup>72</sup> Isti stav ovog člana posebno ističe da su strane pre zaključenja ugovora dužne da obaveste jedna drugu o svim važnim okolnostima u vezi ugovora koji se namerava zaključiti.<sup>73</sup> Dužnost međusobnog obaveštavanja jeste konkretizacija opšteg načela dužnosti saradnje pri zasnivanju obligacionih odnosa.

Imajući u vidu pomenuto načelo savesnosti i poštenja i dužnosti saradnje, kao i drugo osnovno načelo MGZ-a, prema kojem sud može da obaveže lice,

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67 Jakov Radišić, *Predugovorna odgovornost*, op. cit., str. 12, fn. 18.

68 „Svaki ljudski čin, koji drugom prouzrokuje štetu, obavezuje onoga čijom je krivicom nastupio, da je naknadi”.

69 Mladen Draškić, „Pravni značaj pregovora za zaključenje ugovora”, op. cit., str. 345.

70 IV Zakon iz 1959. godine o Građanskom zakoniku (1959. évi IV. törvény a Polgári Törvénykönyvről – Ptk).

71 A polgári jogok gyakorlása és a kötelezettségek teljesítése során a felek a jóhiszeműség és a tisztesség követelményeinek megfelelően, kölcsönösen együttműködve kötelesek eljárni.

72 205 § (3) MGZ

73 Ibid.

čije je namerno ponašanje navelo drugo savesno lice na određeno ponašanje, usled čega je bez svoje krivice pretrpelo štetu, da ovom drugom tu štetu u potpunosti ili delimično naknadi, odgovornost za nesavesno vođenje pregovora može se koncipirati i u mađarskom pravu.<sup>74</sup>

## ODGOVORNOST ZA NESAVESNO VOĐENJE PREGOVORA PREMA PRINCIPIMA EVROPSKOG UGOVORNOG PRAVA I NACRTA ZAJEDNIČKOG POJMOVNOG OKVIRA

Odgovornost za nesavesno vođenje pregovora Principi evropskog ugovornog prava (PECL)<sup>75</sup> regulišu u trećem delu dugog poglavlja (Section 3 - Liability for negotiations), u članovima 2: 301 (Article 2:301 (ex art. 5.301) – “Negotiations Contrary to Good Faith“ – Pregovori suprotni dobroj nameri, ili vođenje pregovora suprotno načelu savesnosti i poštenja)<sup>76</sup> i 2:302 (Article 2:302 (ex art. 5.302) – “Breach of Confidentiality“ – Povreda poverljivosti, ili povreda dužnosti čuvanja poverljivih informacija do kojih se došlo tokom pregovora).<sup>77</sup>

Principi prvo naglašavaju načelan stav da pregovori ne obavezuju rečima da je stranka slobodna da pregovara i ne odgovara za neuspeh u postizanju dogovora.<sup>78</sup> Međutim, strana koja je pregovore vodila ili ih prekinula suprotno načelu savesnosti i poštenja odgovorna je za štetu prouzrokovanu drugoj strani.<sup>79</sup> Naročito se smatra nesavesnim, ako je stranka ušla u pregovore ili vodila iste bez stvarne namere postizanja sporazuma sa drugom stranom.<sup>80</sup> Principi evropskog ugovornog prava odgovornost za nesavesno vođenje

74 Atila Dudaš, “Odgovornost za nesavesno vođenje pregovora u pravu Srbije, pravima nekih reformskih zemalja i savremenim pisanim izvorima lex mercatoria” op. cit., str. 373-374.

75 Principles of European Contract Law, edited by Ole Lando and Hugh Beale, Kluwer Law International, the Hague, Part I and II, 2000, Part III. 2003. <http://www.jus.uio.no/lm/eu.contract.principles.parts.1.to.3.2002/06/02/2011>.

76 <http://www.jus.uio.no/lm/eu.contract.principles.parts.1.to.3.2002/2.301.html> 06/02/2011.

77 <http://www.jus.uio.no/lm/eu.contract.principles.parts.1.to.3.2002/2.302.html> 06/02/2011.

78 “A party is free to negotiate and is not liable for failure to reach an agreement”. Čl. 2:301. st. (1) PECL.

79 “However, a party who has negotiated or broken off negotiations contrary to good faith and fair dealing is liable for the losses caused to the other party”. Čl. 2:301. st. (2) PECL.

80 “It is contrary to good faith and fair dealing, in particular, for a party to enter into or continue negotiations with no real intention of reaching an agreement with the other party”. Čl. 2:301. st. (3) PECL.

pregovora povezuju sa načelom savjesnosti i poštenja imajući u vidu kako subjektivnu, tako i objektivnu komponentu načela.

PECL regulišu i obavezu čuvanja poverljivih informacija. Naime, ako su poverljive informacije date jednoj strani u toku pregovora, druga strana je obavezna da ih čuva kao poslovnu tajnu, ne sme ih učiniti dostupnim trećim licima, niti ih može koristiti za sopstvene potrebe, nezavisno od toga da li je ugovor kasnije zaključen ili ne.<sup>81</sup>

Jedna konstatacija se nameće u vezi sa obavezom čuvanja poverljivih informacija koju predviđa PECL. Naime, iz formulacije člana koji se odnosi na čuvanje poverljivih informacija može se zaključiti da ne postoji opšta obaveza pregovarača da sve informacije do kojih su tokom pregovora došli tretiraju kao poverljive, osim ako ih druga strana nije jasno označila kao poverljive, ili se one u kontekstu konkretnih okolnosti mogu smatrati poverljivim.<sup>82</sup>

U smislu čuvanja poverljivih informacija DCFR je eksplicitniji jer sadrži definiciju poverljivih informacija. Pod poverljivom informacijom se podrazumeva „informacija koja se po svojoj prirodi, ili prema okolnostima pod kojima se do nje došlo smatra poverljivom za jednu stranu, a da je pri tom druga strana primajući tu informaciju znala ili se od nje očekivalo da zna da je ona poverljiva”.<sup>83</sup> DCFR sadrži odredbu kojom daje pravo strani koja osnovano predvidi povredu obaveze čuvanja poverljivih informacija da pribavi sudski nalog kojim se zabranjuje takvo postupanje.<sup>84</sup>

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81 “If confidential information is given by one party in the course of negotiations, the other party is under a duty not to disclose that information or use it for its own purposes whether or not a contract is subsequently concluded. The remedy for breach of this duty may include compensation for loss suffered and restitution of the benefit received by the other party”. Čl. 2:302. PECL.

82 Atila Dudaš, „Odgovornost za nesavesno vođenje pregovora u pravu Srbije, pravima nekih reformskih zemalja i savremenim pisanim izvorima *lex mercatoria*” op. cit., str. 382; Tamara Đurđić, „Ugovorna odgovornost prema pravilima evropskog ugovornog prava”, op. cit., str. 431.

83 “In this Article, “confidential information” means information which, either from its nature or the circumstances in which it was obtained, the party receiving the information knows or could reasonably be expected to know is confidential to the other party.” Principles, Definitions and Model Rules of European Private Law, Draft Common Frame of Reference (DCFR). Čl. 3:302 (2) DCFR, Book II. [http://ec.europa.eu/justice/policies/civil/docs/dcf\\_r\\_outline\\_edition\\_en.pdf](http://ec.europa.eu/justice/policies/civil/docs/dcf_r_outline_edition_en.pdf) 15/05/2011.

84 “A party who reasonably anticipates a breach of the duty may obtain a court order prohibiting it.” Čl. 3:302 (3) DCFR, Book II. [http://ec.europa.eu/justice/policies/civil/docs/dcf\\_r\\_outline\\_edition\\_en.pdf](http://ec.europa.eu/justice/policies/civil/docs/dcf_r_outline_edition_en.pdf) 15/05/2011.

Način regulisanja predugovornih obaveza u DCFR-u ne razlikuje se bitno od PECL-a. Pored odredbi kojima se dopunjuje regulisanje obaveze čuvanja poverljivih informacija, ostale razlike nisu suštinske prirode. U DCFR-u se dodatno naglašava da obaveze savesnog postupanja u pregovorima *ne mogu biti niti isključene niti ograničene ugovorom*.<sup>85</sup> Na taj način se načelo savesnosti i poštenja, u predugovornim odnosima, u još većoj meri stavlja u prvi plan.

Na kraju treba zaključiti da načelo savesnosti i poštenja predstavlja temeljno pravilo na kome se zasniva odgovornost za nesavesno vođenje pregovora u evropskim pravima.

## ZAKLJUČAK

Začetnik teorijskog razvoja dva nova instituta obligacionog prava, predugovorne odgovornosti i negativnog ugovornog interesa, Rudolf von Ihering nije ni slutio kakve će posledice na teorijskom i praktičnom planu imati njegova rasprava. Efekti Jeringove rasprave, po prvi put, u našem pravu ostvaruju svoj uticaj kroz Skicu profesora Konstatinovića, da bi se sve to, ubrzo, zaokružilo donošenjem Zakona o obligacionim odnosima koji je svojim odredbama regulisao predugovornu odgovornost.

Kod predugovorne odgovornosti najviše nedoumica izaziva pitanje njene pravne prirode. Ubrzo posle Jeringove rasprave javiće se niz teorija (deliktne, ugovorne, kvazi-ugovorne) koje na različite načine poimaju pravnu prirodu predugovorne odgovornosti. Pristalice deliktne teorija predugovornu odgovornost vide kao segment deliktne odgovornosti, prema njihovom mišljenju kršenje predugovornih obaveza predstavlja deliktnu radnju. Kritika je ubrzo odbacila teorijska shvatanja pristalice deliktne teorija, da bi, potom, usledile brojne teorije o ugovornoj prirodi predugovorne odgovornosti. Pristalice ugovornih teorija nisu uspele, ipak, da pruže dovoljno argumenata kojima bi odbranile svoja teorijska shvatanja. Pošto ugovorne teorije nisu bile veće sreće, od deliktne, teoretičari koji se nisu mirili sa deliktним karakterom predugovorne odgovornosti došli su na ideju o kvazi-ugovornom karakteru pravne prirode predugovorne odgovornosti. Pristalice ovih teorija predugovorni odnos vide kao poseban „zakonski obligacioni odnos“ koji je sličan ugovornom

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85 Čl. 3:301 DCFR. “A person who is engaged in negotiations has a duty to negotiate in accordance with good faith and fair dealing and not to break off negotiations contrary to good faith and fair dealing. This duty may not be excluded or limited by contract.” 15/05/2011.

odnosu i zato podleže pravilima ugovornog prava. Ni koncepcija kvazi-ugovorne prirode predugovorne odgovornosti nije imala veći uspeh. Čini se kao da je rešenje problema pravne prirode predugovorne odgovornosti sve vreme ležalo u miroljubivoj koegzistenciji mišljenja pristalica ugovorene i deliktne koncepcije, kroz ideju o heterogenoj prirodi predugovorne odgovornosti. Naime, predugovorna odgovornost ima i ugovornu i deliktnu prirodu, a sve u zavisnosti od toga o kojem se pojedinačnom modalitetu predugovornih odnosa radi, da li je prekršena generalna zabrana prouzrokovanja štete ili, pak, obaveza koja je bliža ugovornim obavezama i prisnijem odnosu među pregovaračima.

Osnovni princip na kome se temelje predugovorni odnosi, u većini evropskih prava, jeste načelo savesnosti i poštenja. Međutim, pojedini pravni sistemi imaju posebne zakonske odredbe kojima se regulišu pregovori. U krug pravnih poredaka koji posebnim odredbama reguliše predugovorne odnose ulazi i naš pravni sistem. Naš zakonodavac se opredelio za regulisanje ove vrste odnosa putem generalne klauzule o obavezi savesnog i poštenog postupanja prilikom zasnivanja ugovornih odnosa, da bi potom generalnu klauzulu konkretizovao posebnim odredbama o ponašanju strana tokom pregovora. Ovakvim pristupom su opšta pravila, o savesnom i poštenom postupanju, stavljena u drugi plan, tako da su ih sudovi često prevideli kao mogući osnov predugovorne odgovornosti, što, pretpostavljamo, nije bila namera zakonodavca. Imajući u vidu činjenicu da su novija zakonodavstva u regulisanju predugovornih odnosa krenula putem Principa evropskog ugovornog prava, taj kurs bi trebalo slediti prilikom eventualnog noveliranja našeg Zakona o obligacionim odnosima, ili njegove inkorporacije u budući Građanski zakonik.

## LITERATURA

1. Draškić, Mladen: „Predugovorna odgovornost“, *Knjiga o desetogodišnjici ZOO* (1978-1988), I-tom, Beograd 1988, 135-146.
2. Draškić, Mladen: „Pravni značaj pregovora za zaključenje ugovora“, *Anali Pravnog fakulteta u Beogradu*, 3-4/ 1970, 337-350.
3. Dudaš, Atila: „Mogućnost opozivanja ponude za zaključenje ugovora i odgovornost ponudioca za nesavesno vođenje pregovora“, *Zbornik radova Pravnog fakulteta u Novom Sadu*, 1-2/2008, 817-835.
4. Dudaš, Atila: „Odgovornost za nesavesno vođenje pregovora u pravu Srbije, pravima nekih reformskih zemalja i savremenim pisanim izvorima *lex mercatoria*“, *Zbornik radova Pravnog fakulteta u Novom Sadu*, 1-2/2007, 369-385.

5. Đurđić, Tamara: „Predugovorna odgovornost u nacionalnom i evropskom ugovornom pravu“, *Pravni fakultet Univerziteta u Kragujevcu, Glasnik prava*, 2/2010, 109-134.
6. Đurđić, Tamara: „Ugovorna odgovornost prema pravilima evropskog ugovornog prava“, *Pravni sistem Srbije i standardi Evropske unije i Saveta Evrope. Knj. 4 / priredio Stanko Bejatović. – Kragujevac: Pravni fakultet, Institut za pravne i društvene nauke* 2009, 419-437.
7. Ivančić, Vjekoslav, „Predugovorna odgovornost“, *Pravnik*, Vol. 40 No. 83, Zagreb 2006, 137-150.
8. Jankovec, Ivica: „Očuvanje tajne iz pregovora radi zaključenja ugovora“, *Pravni život*, 11/2005, 455- 458.
9. Jhering, Rudolf: *Culpa in contrahendo, oder Schadenersatz bei nichtigen oder nicht zur Perfection gelangten Verträgen*, Objavljeno u: Bd.4 Jahrbücher für die Dogmatik des heutigen römischen und deutschen Rechts, tom I, 4/1861, ponovno štampan u Jhering, *Gesammelte Aufsätze*, 1881.
10. Jurišić, Zlatko: „Odgovornost za prekid pregovora po Zakonu o obligacionim odnosima“, *Privredno pravni priručnik*, 2/1992, 42-55.
11. Konstantinović, Mihailo: *Obligacije i ugovori: Skica za zakonik o obligacijama i ugovorima* (Klasici jugoslovenskog prava), “Službeni List SRJ“, Beograd, 1996, prvi put objavljena 1969. godine u izdanju Pravnog fakulteta u Beogradu.
12. Miladinović, Snežana: „Pregovori u odredbama načela evropskog ugovornog prava“, *Pravni život*, 10/2004, 571-584.
13. Obradović Begić, Ljiljana: „O značaju i nastanku culpae in contrahendo“, *Godišnjak Pravnog fakulteta u Sarajevu*, Sarajevo 1987, 17-29.
14. Orlić, Miodrag: „Ogled o odgovornosti za prekid pregovora“, *Pravni život*, 10/1996, 529-563.
15. Orlić, Miodrag: *Zaključenje ugovora*, Institut za uporedno pravo, Beograd 1993.
16. Radišić, Jakov: *Predugovorna odgovornost*, Uporedno pravna studija, Institut za društvene nauke, Beograd 1991.
17. Grčki Građanski zakonik(1940).
18. Italijanski Građanski zakonik (1942).
19. Mađarski Građanski zakonik (1959).
20. Nacrt zakon o obligacionim odnosima, Federacija BiH / Republika Srpska, Stanje 16.06.2003.
21. Obligacijski zakonik, Ur. list, Republike Slovenije, br. 83/2001, 32/2004, 28/2006, Odluka US: U-I-300/04-25, objavljene u Up. list br. 29/2007 i odluka US: U-I-267/006-41, objavljene u Ur. list, br. 40/2007.

22. Principles of European Contract Law, edited by Ole Lando and Hugh Beale, Kluwer Law International, the Hague, Part I and II, 2000, Part III. 2003.
23. Principles, Definitions and Model Rules of European Private Law, Draft Common Frame of Reference (DCFR).
24. Poljski Građanski zakonik (1964).
25. Zakon o obligacionim odnosima Republike Makedonije, Sl. vesnik RM br 18/01, 78/01, 04/02, 59/02 i 05/03.
26. Zakon o obligacionim odnosima, „Sl. list Crne Gore“, br. 47/08.
27. Zakona o autorskom pravu („Službeni list SFRJ“, br. 19/1978).
28. Zakon o obligacionim odnosima („Sl. list SCG“, br. 1/2003, Ustavna povelja).
29. Zakon o obaveznim odnosima Republike Hrvatske, „Narodne novine“, br. 35/2005

**SAMIR MANIĆ**

**RESPONSIBILITY FOR DISHONEST NEGOTIATIONS -  
COMPARATIVE ANALYSIS**

**ABSTRACT**

The author analyzes the regulation of institutes of responsibility for dishonest conducting of negotiations in normative acts of certain EU countries and the Balkans. He analyzes the rules of behaviour of parties during negotiations established through the court practice and theory in Switzerland, Germany, France and Hungary. In the paper the regulations of the most significant secondary sources of Contract Law have also been included and they are as follows: the Principles of European Contract Law (PECL) and Common Conceptual Framework (DCFR). Because of the great role in the regulation of pre-contract relationships, the author has devoted considerable attention to the principle of scruple and honesty.

*Key words:* responsibility for dishonest conducting of negotiations, pre-contract responsibility, principle of scruple and honesty.



Čedomir Štrpca, **ZAPISI IZ INDIJE 1997-2002**,  
Altera, Beograd, 2011, 909 str.

Pred nama je jedna izvanredna knjiga Čedomira Štrpca, istraživača, istoričara, profesora, i iznad svega diplomate. Ona obuhvata svakodnevna beleženja autora u toku pet godina obavljanja ambadorske dužnosti u Indiji, Sri Lanki i Maldivima, gde je kao ambasador bio zvanično akreditovan, te i zapise o Nepal, Butanu, Bangladešu, Avganistanu i Pakistanu, zemljama koje je ambasada u Nju Delhiju radno „pokrivala“. To je period kada su se u međunarodnim odnosima dešavale krupne promene posle okončanja hladnog rata, a u zemlji odvijala kondenzovana drama kroz koju je prolazila poslednja Jugoslavija. Ove beleške su pripremljene za štampu striktno hronološkim redom kako su nastajale. Autor je intervenisao samo utoliko što je obiman dnevnik od preko 900 strana razdelio u šesnaest poglavlja (sa 54 odeljka unutar njih), dajući im odgovarajuće naslove koji olakšavaju pretraživanje. On je, takođe, u kraćim naznakama ispod naslova odeljaka pružio pregled tema koje dominiraju u sadržaju odgovarajućih odeljaka. Ovim postupkom autor je olakšao budućim istraživačima i analitičarima da ovo delo svrsishodnije mogu da koriste sa stanovišta daljih razmatranja i mogućih razvijanja mnogostranosti njegovog sadržaja.

Već je s pravom uočeno da je ovo delo višeslojno i raznovrsno i po tematskoj obradi i istraživačkom postupku. Ono će biti korisno istoričarima, posebno istorije diplomatije, indijsko-jugoslovenskih odnosa, burnih procesima u svetskih zbivanjima, koji kao da su se u to vreme zgusnuli u jednom izuzetno kratkom vremenskom periodu. Imajući veliko iskustvo autor je ponudio sadašnjim i budućim profesionalcima teorijska i praktična znanja o diplomatskoj službi, opisujući praktičnim primerima kako se priprema jedan ambasador za funkciju šefa diplomatsko-konzularnog predstavništva, kako to predstavništvo funkcionise, kako se komunicira sa domaćinima, šta je diplomatski red, kako se interesi zemlje zastupaju i brane formalnim i neformalnim kanalima.

Zapisi iz Indije biće isto tako nezaobilazni izvor za upoznavanje sa savremenom Indijom, njenom istorijom, kulturom, političkim sistemom, strankama, privrednim potencijalima, kulturnim i verskim spomenicima jedne drevne civilizacije, egzistencijom brojnih velikih religija, mešavinom jezika i rasa, postojanjem „regulisanog haosa“ u svakodnevnom životu njenih stanovnika.

Od velikog značaja za ocenu delovanja ambasadora Štrpca u uskovitlanom svetu je i saznanje da su se tada

i na tlu zemlje koju je predstavljao zbivali presudni procesi koji su doveli do njenog raspada, rata, sankcija, agresije NATO-a. To je vreme u kome su se često jednostrano procenjivali uzroci ovih zbivanja i iznosile olake ocene o „apsolutnoj srpskoj krivici“. Bilo je previše dokaza da su globalni mediji jednostrani, da primenjuju dvostruke standarde, te je u takvim uslovima bila potrebna velika veština da se predstavi „pravo stanje“ stvari. Tim više što je to vreme autoritarne vlasti i njenog poraza i promene vlasti koja je nudila nadu da će se nešto bitno promeniti, ali i strepnje i rezignacije što se nada ne ostvaruje.

Zapisi iz Indije Čedomira Štrpca predstavljaju dragoceno štivo, izuzetan izvor o jednom traumatičnom vremenu, i plodnu osnovu za sagledavanje i dalje proučavanje savremene istorije. Oni su pisani izvrsnim jezikom i imaju izuzetnu literarnu vrednost. Pisac ovih redova svesrdno preporučuje čitanje ove sjajne knjige. Za one koji čitaju u preskoku na kraju knjige sačinjen je Registar imena, koji pomaže da se opredelimo za šta ćemo se najpre izjasniti da saznamo iz ovog obimnog dela. Treba reći, međutim, da će svaki čitalac pogrešiti ako ovoj knjizi ne posveti punu pažnju, jer svaka stranica sadrži nešto što obogaćuje znanje.

*Vladimir PETROVIĆ*

**Prof. dr Boris Krivokapić: ENCIKLOPEDIJSKI REČNIK  
MEĐUNARODNOG PRAVA I MEĐUNARODNIH ODNOSA, Beograd,  
2010, Službeni glasnik, str. 1190.**

U izdanju „Službenog glasnika“ iz Beograda krajem 2010. godine izašla je iz štampe knjiga prof. dr Borisa Krivokapića Enciklopedijski rečnik međunarodnog prava i međunarodnih odnosa. Recenzenti su: prof. dr Stevan Đorđević, prof. dr Rodoljub Etinski i prof. dr Predrag Simić. Prof. Dr Boris Krivokapić je redovni profesor Fakulteta za državnu upravu i administraciju Megatrend univerziteta u Beogradu. Prof. dr Krivokapić je poznati pravni pisac koji je objavio preko trideset knjiga, monografija, udžbenika, sistematskih radova i preko 140. članaka, komentara,

prikaza i osvrta iz međunarodnog prava i međunarodnih odnosa u domaćim i stranim pravnim časopisima. Prof. Krivokapić je učesnik na mnogim naučnim konferencijama, savetovanjima, skupovima i simpozijumima kod nas i u inostranstvu. Takođe je na više stranih univerziteta držao predavanja. Njegov naučni rad je nagrađivan i pohvaljivan više puta. Navodimo pored ostalog i nagradu „Profesor Borislav T. Blagojević“ koju je dobio 2006. godine za najbolji rad iz oblasti uporednog i evropskog prava u Srbiji Crnoj Gori u vremenu 2004–2005. godine. Zatim,

„Službeni glasnik“ iz Beograda dodelio je diplomu kao najboljem autoru u 2011. godini za knjigu Enciklopedijski rečnik međunarodnog prava i međunarodnih odnosa. Naglašavamo da je Prof. Krivokapić napisao još 1998. godine Leksikon međunarodnog prava, koji je bio prva i jedina knjiga ovakve vrste u našoj pravnoj literaturi. Knjiga je naišla na veoma dobar prijem ne samo kod naše naučne i stručne javnosti i praktičara, nego i kod najšire čitalačke publike. Ova knjiga je odavno rasprodata.

Odmah na naglasimo da se radi o jednom zaista veoma vrednom, značajnom i korisnom radu, koji je nedostajao u našoj međunarodnopravnoj literaturi i u literaturi međunarodnih odnosa. Prvo, što korisnika ovog Enciklopedijskog rečnika međunarodnog prava i međunarodnih odnosa impresionira to je pre svega obim knjige koja sadrži 1190. strana velikog formata 20X26. sm. Zatim, korisnika takođe impresionira ogroman broj odrednica, preko pet hiljada, kao i oko dve hiljade uputnica.

Raniji Leksikon međunarodnog prava je sadržan u Enciklopedijskom rečniku međunarodnog prava i međunarodnih odnosa, s tim što je autor najveći deo tih odrednica osavremenio, dopunio i izmenio, jer su se u međuvremenu na međunarodnopravnom planu dogodili mnogi važni i značajni politički i pravni događaji što je zahtevalo navedene dopune i izmene. U ukupnoj materiji Enciklopedijskog rečnika ova ranija materija Leksikona međunarodnog prava iznosi samo trećinu.

Enciklopedijski rečnik međunarodnog prava i međunarodnih odnosa sadrži

i obrađuje pojmove, termine i institute iz oblasti međunarodnog javnog prava, međunarodnog privatnog prava, međunarodnih odnosa, međunarodnih ekonomskih odnosa, istorije diplomatije, prava međunarodnih organizacija, ljudskih prava, prava manjina, zaštite životne sredine, vojnih pitanja, međunarodnog humanitarnog prava, bezbednosti, međunarodnog terorizma, međunarodnog ugovornog prava kao i velikog broja drugih pitanja i problema sa elementom inostranosti. Pored obrađivanja navedenih pojmova, termina i instituta sa teorijskog aspekta obrađeni su i brojni primeri iz međunarodnopravne prakse, kao i prakse međunarodnih odnosa, što je veoma značajno i korisno. Naime, do sada je bilo teško pronaći mnoge slučajeve iz međunarodnopravne prakse i prakse međunarodnih odnosa, jer su najveći deo tih slučajeva se nalazi rasuti u stranoj literaturi, koja je teško dostupna prosečnom korisniku, jer ih u našim bibliotekama u najvećem broju slučajeva nema.

Određnice kao i uputnice su sadržane prema abecednom redu, tako da je veoma lako pronaći traženi pojam, institut ili termin. Za odrednice koje svaka ima objašnjenje, dato je i poreklo samog termina. Pored toga dato je i značenje na engleskom jeziku, i na drugim svetskim jezicima kao i na latinskom jeziku. Kod mnogih odrednica navedene su i veb adrese, na osnovu kojih korisnik može da dobije šire i detaljnije informacije. Zatim, kod skoro svih odrednica navedene su uputnice koje upućuju korisnika na srodne ili slične pojmove, institute ili termine a koji su obrađeni u samom rečniku.

Rad na ovom Enciklopedijskom rečniku međunarodnog prava i međunarodnih odnosa koji sadrži preko pet hiljada odrednica i dve uputnica zahtevao je ogroman rad i razume se izvanredno znanje i iskustvo iz materije međunarodnog prava i međunarodnih odnosa. Ovakav obiman rad u inostranstvu rade čitavi timovi raznih stručnjaka, dok Prof. Krivokapić je to sve uradio potpuno sam. Treba se samo zamisliti šta je sve autor morao da pročita, pregleda, pronade, analizira, uporedi. Koliko knjiga, monografija, sistematskih radova, časopisa, udžbenika, priručnika, praktikuma, zbornika radova, komentara, raznih publikacija, zbirki međunarodnih konvencija, zbirki raznih zakona, članaka, rasprava, prikaza i osvrti i to ne samo na srpskom jeziku nego i nekoliko stranih jezika. To su sigurno na desetine hiljada domaćih i stranih naslova. Sve odrednice napisane su kako je to već uobičajeno kada su u pitanju enciklopedijski rečnici vrlo

precizno, koncizno, sa stručnim i naučnim objašnjenjem i obrazloženjem. Tekst rečnika je veoma razumljiv i vrlo jasan i određen, tako da sa lakoćom čita, i razumljiv je ne samo naučnicima i stručnjacima za međunarodno pravo i međunarodne odnose, nego i najširoj čitalačkoj javnosti.

Prof. dr Boris Krivokapić je sa ovim Enciklopedijskim rečnikom međunarodnog prava i međunarodnih odnosa popunio jednu prazninu koja je u našoj nauci i literaturi postojala, tako da sada će ova vredna i značajna knjiga postati ne samo obavezna literatura koju će svakodnevno koristiti u svom radu, međunarodnim pravnicima, diplomata, naučnicima, pravnicima, političarima, istoričarima, politikolozima, publicistima, studentima, postdiplomcima i doktorantima, nego i svima koji se interesuju za međunarodno pravo i međunarodne odnose.

*Jelena Đ. LOPICIC*

**ЦЕНТРАЛЬНАЯ И ВОСТОЧНАЯ ЕВРОПА: УРОКИ  
МИРОВОГО КРИЗИСА**, Под редакцией к.г.н. Н. В. Куликовой,  
Институт экономики РАН, Издательство Алетейя, Санкт-Петербург,  
2011, с. 343.

Centralna i Istočna Evropa je 2009. godine pretrpela vrlo ozbiljne posledice globalne finansijsko-ekonomske krize. Bruto domaći proizvod je, u odnosu na prethodnu 2008. godinu, pao za preko

4%, u regionu kao celine, što je znatno više nego u razvijenim zemljama Zapada. Razume se, kretanje bruto domaćeg proizvoda (BDP) se razlikuje od zemlje do zemlje. Svetskom finansijsko-eko-

nomskom krizom su najснаžnije bile pogođene baltičke zemlje, a najmanje Poljska i Albanija.

Dvadeset godina posle pada Berlinskog zida i posle dve decenije uspešnog sprovođenja političkih i ekonomskih reformi, zemlje centralne i istočne Evrope su se dakle suočile, pa se i dalje suočavaju, s teškim pitanjima: Zašto su toliko osetljive na ekonomske krize? Šta je to što je pošlo naopako? Da li se njihov model rasta može popraviti, i da li je vreme da se traži novi model? Kakav je politički uticaj na privredu sa aspekta krize u ovom delu sveta, i kakva je budućnost ovih zemalja?

Postoje mnogi razlozi zašto je ovaj region toliko pogođen svetskom globalnom krizom. Tri su razloga sudeći po mnogo čemu najkarakterističnija. Prvo, zemlje regiona zavisile su i zavise u velikoj meri od priliva stranog kapitala i od deviznih doznaka onih koji rade u inostranstvu. Sredstva koja su dolazila iz oba navedena izvora su znatno opala za vreme krize. Drugo, izvoz robe i usluga u Evropsku uniju i zemlje evrozona je značajno smanjen i izazvao je brojne probleme. Treće, više zemalja su svoje valute vezale za evro. To znači da su morale da prilagode cene i plate u svojim zemljama novonastalim uslovima. One koje teže da se pridruže evrozoni takođe su morale da zadrže svoje deficite pod kontrolom preko fiskalnog prilagođavanja novonastalim uslovima. Kriza je, dakle, došla kao „hladan tuš“ na pregrejanu ekonomiju (str. 14). Dugodišnja integracija regiona u tržište Zapadne Evrope, u sferi međunarodne trgovine i međunarodnih finansija, pa i u tržište

rada, dovela je do povećana zavisnosti od EU i osetljivosti na sve promene koje se Zapadu događaju. Strani kapital je u najvećoj meri dolazio iz EU, te zemlje Centralne i Istočne Evrope su svoje proizvode pretežno plasirale na zapadno-evropsko tržište. Tako kada se krajem 2008. godine iz SAD finansijsko-ekonomska kriza prenela u Zapadnu Evropu, efekti na zemlje Centralne i Istočne Evrope su bili mnogo veći nego u samoj EU.

Razlog efekata krize na zemlje Centralne i Istočne Amerike, autori traže i u politikama samih zemalja koje su vođene tokom poslednjih petnaestak godina. Reč je o politici visoke uvozne zavisnosti, širokoj podršci uvoza kapitala u svim oblicima; posebno je podržan uvoz kapitala inostranih banaka.

Knjiga grupe autora, nedavno objavljena u Sank-Peterburgu pod naslovom *Centralna i Istočna Evropa: pouke iz svetske krize*, a u redakciji Natalije Vladimirovne Kulikove iz Ekonomskog instituta Ruske akademije nauka, predstavlja izdavački poduhvat koji je vredan pažnje naučne i stručne javnosti ne samo ovog dela sveta već i šire. Autori su se latili veoma složenog zadatka istražujući glavne kanale preko kojih je svetska kriza uticala na zemlje Centralne i Istočne Evrope i nanela im ozbiljne negativne ekonomske efekte. Pored toga, oni su se prihvatili zadatka da razmotre osobenosti, ograničenja i dejstva nacionalnih antikriznih politika, osvetljavajući i podršku međunarodne zajednice koja je pružana ovim zemljama u cilju otklanjanja posledica svetske globalne krize i dajući prognoze za

stabilizovanje privreda i za njihov dalji razvoj u ovom delu sveta. Grupa od petnaestak autora nastojala je da pruži odgovore na brojna pitanja koja se sama po sebi nameću kada je reč o ozbiljnoj finansijsko-ekonomskoj krizi.

Knjiga je podeljena na dva dela. U prvom delu knjige autori su nastojali da svestrano sagledaju uzroke i posledice svetske globalne krize po ovaj region. U ovom delu knjige, pored osvrta na privredu regiona koja je „u kandžama krize“, koji je dala redaktorka Natalija Kulikova, tri segmenta su posebno obrađena. Pre svega, naglasak je dat socijalnim posledicama ekonomske krize i pitanjima prilagođavanja socijalne politike u novonastaloj situaciji, dakle, pitanjima koja su se nametala usled smanjenja sredstava za socijalna davanja, krize penzionih sistema, izmene koje je kriza nametala tržištu rada i druge restrikcije. Potom, značajan prostor je posvećen političkoj situaciji, uz naglasak da se „stabilnost mora sačuvati“. Konačno, uticaju globalne krize na ekonomske odnose Rusije sa zemljama Centralne i Istočne Evrope posvećena je s pravom posebna pažnja.

Od jeseni 2008. godine vlade razvijenih zemalja Zapadne Evrope, SAD, Japana, Kine i Rusije i nekih drugih počele su preduzimati aktivne mere u cilju spasavanja privrede, koncentrišući se na pitanja jačanja finansijskog sistema i podrške anti-kriznih politika. Glavne komponente delovanja su aktivna podrška bankama, spasavanje pojedinih krupnih preduzeća stimulisanjem poslovne aktivnosti, subvencijama i podsticanjem domaće

tražnje, pokretanje infrastrukturnih projekata i druge mere.

Međutim, ono što je loše – ističe se u knjizi, jeste da je perspektiva privrednog razvoja zemalja Centralne i Istočne Evrope nejasna (str. 38). Jer, iako je zabeležen globalni oporavak svetske privrede, niz nepovoljnih ekonomskih okolnosti smanjuju povoljna očekivanja. Problemi s kojima se zemlje regiona i dalje suočavaju se objašnjavaju poukom iz ekonomske istorije: „kako model ekonomskog rasta i ekonomska politika mogu uništiti privredu“. Istorijska iskustva sugerišu zemljama Centralne i Istočne Evrope da ako žele da uhvate korak sa razvijenim zemljama one moraju da imaju, pre svega, sopstveni kapital. No, one su se u dvodecenijskom periodu oslanjale uglavnom na inostrani kapital. Tako, ako žele da dođu do kapitala one moraju da se oslanjaju na kredite. S druge strane, okolnosti ih usmeravaju proizvodnji namenjenoj inostranom tržištu, a za domaće potrošače se ne vode dovoljno računa. Sledi zaključak da „kapitalizam nije zaštićen od loših ekonomskih rešenja niti regulatorne uloge države“ (str. 42).

U drugom delu knjige prikazani su osobenosti i efekti globalne finansijsko-ekonomske krize na pojedine zemlje regiona. Analize privrednih tokova i efekata krize na pojedine zemlje zasnovane su na relevantnim izvorima nacionalnih institucija i međunarodnih organizacija, prvenstveno Međunarodnog monetarnog fonda i Svetske banke. Sadržane su analize privrednih tokova i efekata krize za Bugarsku (autorke T. Э. Валева и В. И. Шабунина), Mađarsku

(С. О. Волотов и А. Б. Дрыночкин), Makedoniju (Ю. К. Князев), Poljsku (И. С. Синицина и Н.А Чудакова), Rumuniju (А. Н. Саморукова и Н. В. Фейт), Srbiju (Н. В. Куликова и Ю. Д. Трубайчук), Slovačku (М. О. Копытина), Sloveniju (Ю. К. Князев), Hrvatsku (В. С. Милованов) i Republiku Češku (З. Н. Кузнецова).

Bugarska je članica Evropske unije od 1. januara 2007. godine. Sumorna predviđanja o efektima globalne finansijsko-ekonomske krize na bugarsku privredu su se tokom 2009. godine u velikoj meri obistinila. BDP se smanjio za 5%, stopa nezaposlenosti je skočila, a potrošnja i strane investicije drastično opale, smanjen je izvoz a još više uvoz. Smanjenje uvoza je utoliko značajnije ukoliko se ima u vidu da je ova zemlja uvezno zavisna. Autorke smatraju da ekonomska perspektiva Bugarske zavisi u velikoj meri od EU (str. 128).

U Mađarskoj, koja je članica Evropske unije od 1. maja 2004. godine, unutrašnja politička situacija zaslužuje pažnju. Svi parlamentarni izbori održani od 1990. do 2006. demonstrirali su ravnotežu između dve grupe partija. Situacija se menja posle 2006. To sugeriše zaključak da je mađarski kapitalizam u krizi. Tri su glavna razloga. Prvi, mađarska ekonomija potpuno zavisi od stranog kapitala. Drugo, mađarski ljudi su siromašniji. Treće, korupcija postaje ozbiljan problem, utičući na normalno funkcionisanje države. Globalna kriza u Evropi čini da situacija u Mađarskoj bude još nepredvidljivija. BDP je pao za 6,4% u 2009. godini iako je Mađarska u oktobru 2008. postigla

sporazum sa MMF i EU o pomoći za ostvarenje finansijske stabilnosti. Smanjen je izvoz, redukovana i potrošnja i akumulacija, a stopa nezaposlenosti premašila 10%. Ono što zaslužuje posebnu pažnju jeste činjenica da, kao reakcija na ekonomsku i društvenu krizu, jača podrška desničarskim snagama.

Makedonska ekonomija nije mogla da izbegne posledice globalne finansijsko-ekonomske krize, budući da ona nije izolovana od svetske privrede. Ipak, pad BDP je u 2009. godini bio znatno manji nego u većini zemalja Centralne i Istočne Evrope (- 0,7%, str. 158). Međutim, nezaposlenost je jedan od najtežih problema Makedonije. Stopa nezaposlenosti je 2009. premašila nivo od 32%, a preko 28% ukupnog broja stanovnika živelo je sa prihodima ispod linije siromaštva. Makedonija se dosta zaduživala u inostranstvu. Spoljni dug je krajem 2009. premašio 57% vrednosti BDP (str. 166).

Poljska je članica EU od 2004. godine. To je jedina zemlja u Evropskoj uniji koja je održala pozitivan rast BDP-a u periodu 2008-2009. u vreme najoštrije ekonomske krize. Istina, stopa nezaposlenosti se u 2009. povećala. Međutim, inflacija je ostala na niskom nivou. Na duži rok, poljske ekonomske performanse se mogu još poboljšati, ako država bude otklanjala određene nedostatke i ulagala više u infrastrukturu.

Rumuniju, koja se pridružila EU 1. januara 2007. godine, finansijsko-ekonomska kriza je teško pogodila. U 2009. godini BDP je pao za 7,1%, nametajući potrebu da ova država traži

pomoć od MMF i EU i da preduzme mere koje joj ove organizacije sugerišu.

Srbija je od 2005. do 2008. godine ostvarila prosečnu godišnju stope rasta GDP od preko 5%. Međutim, globalna finansijsko-ekonomska kriza je teško pogodila Srbiju, te je GDP pao za preko 3% u 2009. godini. Glavni razlozi su usporavanje priliva inostranog kapitala i smanjenje domaće tražnje. Srbija je preduzela mere antikrizne politike u cilju smanjenja efekata globalne finansijsko-ekonomske krize. Razume se, kriza je uticala i na rusko-srpske ekonomske odnose. Obim spoljno-trgovinske razmene je pao. Došlo je do smanjenja izvoza Srbije u Rusiju, ali i do smanjenja uvoza iz Rusije u Srbiju. Međutim, investiciona saradnja između Rusije i Srbije je dobila na značaju. U 2008. je potpisan Sporazum između Rusije i Srbije o saradnji u oblasti naftne industrije. Tako, osnovan je Gazprom, a Rusija je preuzela obavezu da investira 400 miliona evra u naftnu industriju Srbije.

Slovačku, koja je postala članica EU 1. maja 2004. godine, takođe je finansijsko-ekonomska kriza teško pogodila. BDP je pao u 2009. godini za 4,7%, a nivo zaposlenosti za 2,4% (str. 246). Industrijska proizvodnja je pala čak za 14,5%. Perspektive ekonomskog razvoja ove zemlje su, kako procene pokazuju, dobre.

Sloveniju, koja je postala članica EU takođe 1. maja 2004. godine, još je teže pogodila globalna finansijsko-ekonomska kriza. U 2009. pao je GDP za preko 8%, koliko i industrijska proizvodnja, porasla je stopa nezaposlenosti koja je godinama bila na niskom nivou.

Hrvatska je u periodu 2000-2007. godine beležila visoki rast BDP, između 4% i 6% godišnje, zahvaljujući pre svega, turističkoj privredi. U 2009. godini BDP je pao za 6%. Stopa nezaposlenosti se povećala (15%). Autor procenjuje da su izgledi za dalji privredni rast povoljni. Međutim, Hrvatska se nalazi među zemljama koje imaju veoma visoki inostrani dug.

Češka Republika, članica EU od 1. maja 2004. godine, jeste država sa stabilnom i prosperitetnom privredom. Njena privreda je veoma osetljiva na promene u ekonomskim performansama njenih glavnih izvoznih partnera, posebno u Nemačkoj. Kada je Zapadna Evropa zapala u recesiju krajem 2008, tražnja za češkom robom je pala, što je dovelo do pada industrijske proizvodnje i izvoza. Tako, realni BDP pao je u 2009. godini za 4,1%.

Knjiga je zanimljiva, zasnovana na relevantnim činjenicama i veoma korisna za sve one koji se bave zemljama Centralne i Istočne Evrope.

*Milena VUČIĆEVIĆ*



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4 William McCarthy, *The Closed Shop in Britain*, Basil Blackwell, Oxford 1964, p. 134 (ili: pp. 134-8, 134-44, 198-204) .

5 Eamonn Fingleton, “Japan’s Invisible Leviatan”, *Foreign Affairs*, vol. LII, no. 2, March/April 1995, p. 69.

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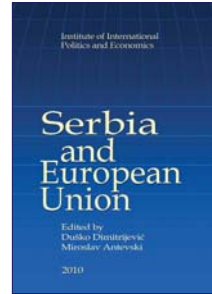
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