

IS THE EU LOSING THE WESTERN BALKANS?
Seminar held at the EU Institute for Security Studies, Paris
Monday, 17 March 2008

This seminar was attended by nearly fifty officials and experts on the Balkans from EU member states, from the region, and one from the United States. The seminar was organised in three sessions, on Serbia, Kosovo and Bosnia-Herzegovina respectively. The following report reflects the debate at the seminar and the main conclusions.

1) Serbia: the choice ahead

Serbia is once again to be asked to make a ‘historic choice’ at the early parliamentary elections called for 11 May – although many had thought the voters already made that choice in re-electing President Tadic on 3 February. But immediately after that, the long-running crisis in the government coalition came to a head, and Prime Minister Kostunica decided to request early elections due to fundamental differences over Kosovo between his Democratic Party of Serbia (DSS) and President Tadic’s Democratic Party (DS).

But what sort of a choice is being offered to Serbian voters on 11 May, and will it result in a clear and coherent vision of the country’s future? At least one thing has become clear: the key dividing line in the party spectrum now runs *between* the parties of the former so-called ‘democratic bloc’, with DSS now aligned with the Radicals, pitted against the DS and a number of smaller parties, which have now formed an electoral bloc. The Radicals will run alone, but are ready to govern in coalition with the DSS (with its smaller partner ‘New Serbia’ of Velimir Ilic). The Socialist Party of the late Slobodan Milosevic – assuming it passes the 5 per cent threshold – could play a pivotal role in the formation of the new government.

The respective party platforms are more or less confused and/or dishonest about the ‘choice’ that Serbia faces. Although outside observers may see the essential question as ‘Kosovo or Europe?’, in fact all sides muddy the issue. The DSS and the Radicals profess an interest in continuing Serbia’s European integration, and Kostunica fervently denies that ‘self-isolation’ is in prospect. But they insist that Serbia can set its own terms, which mean that the EU will be required to deal with Serbia as if Kosovo were an integral part of it (although to date, in fact Serbia has been prepared to negotiate its SAA without including Kosovo). In other words, the DSS and Radicals are telling the voters that it is the EU, rather than Serbia, which has to make a choice.

The DS' platform is unfortunately equally disingenuous: EU integration must be the priority for Serbia because only this way will Serbia become a strong and internationally respected state that can continue more effectively to 'fight for Kosovo' with the best chances of success. Perhaps the DS' platform should not be taken at face value as it is driven by the exigencies of winning a very close-fought election which will be decided by voters who are wavering, confused and reluctant to make a clear choice. Nevertheless, some leading DS representatives seem genuinely and wholeheartedly committed to the 'fight for Kosovo'; and, on the other hand, if the election result returns DS to power, it may find itself stuck with this contradictory platform due to the demands of coalition partners – if not the DSS, then possibly the Socialists (an option the DS is now seriously considering).

Given the parties' unwillingness to come clean on the issues and the voters' unwillingness to confront them, **the choice on offer is effectively between an indefinite blockage on EU integration (under a Radical/DSS government), or at best, under a DS-led coalition, a very tortuous and protracted process of wrangling with the EU** over how to proceed with the SAA and its implementation in such a way as to preserve the *status quo ante* 17 February, when Kosovo declared independence. In other words, progress towards the EU will be as hesitant and mutually frustrating as it has been to date.

What will really be the determining factors in this election? It may well be that the salience of the Kosovo issue has already peaked for voters. At the same time, the 'EU perspective' remains distant and intangible. **In these circumstances, voters will be much more influenced by other concerns – poverty, welfare, employment.** There is also accumulated resentment at the **corruption** and self-enrichment of members of the outgoing government, and a **general frustration with the arrogance of parties** that have been in power (in various combinations) since 2000, without having brought too much benefit to Serbian citizens. All of these themes will no doubt be played on to maximum advantage by the Radicals, whose campaign will centre on the powerfully persuasive message that 'it's time for a change'.

What can or should the EU do?

[see also *Analysis: What is to be done with Serbia?* by Judy Batt – March 2008]

The basic question of debate was whether the EU should just keep out of Serbia's electoral campaign as far as possible, or not. The conclusions were that:

- (a) the EU should be extremely cautious and aware of **the danger of its interventions backfiring in the current Serbian context** – where EU integration itself has become a political football in intense party competition;
- (b) nevertheless the EU should not allow the Radicals to suggest that they would be more effective in taking forward Serbia's EU integration by adopting a 'tougher line' with the EU;
- (c) the prospect of rapid progress towards **visa-free travel** should be fully exploited to demonstrate the EU's real commitment to the inclusion of the people of Serbia.
- (d) There was a **division of views on the question of early signature of the SAA**. One line of argument was that the EU would have to show greater pragmatism and flexibility over ICTY conditionality if the key goal is stability and peace in the region; but this was countered by the argument that waiving ICTY conditionality would have a negative impact on the rest of the region – signalling to Bosnian Muslims, in particular, that the EU did not care about justice, and to the region in general that it pays to be an 'awkward customer' with the EU.

The role of Russia

It was argued that Russia's recent behaviour in regard to the Balkans was largely a mirror of its interests in the Caucasus (both north and south). Its support for Serbia was a way of expressing dissatisfaction with the increasing influence of the US and EU in its own 'backyard', via pipeline projects, the European Neighbourhood Policy, and the encouragement of Ukraine's and Georgia's NATO aspirations. However, it was argued that the peak of Russian influence over (and interest in) Serbia may have passed with Kosovo's declaration of independence.

It was noted that Russia has succeeded in defining the terms of the international debate on Kosovo recognition, and has 'seized the moral high ground' in presenting itself as 'defender of international law'. **The US and EU have not effectively deployed the robust counter-arguments**, for example, that the Serbian proposal for 'substantial autonomy' simply fails to offer credible guarantees for protecting the human rights of all the people of Kosovo without discrimination – to the contrary, it is directed only at the interests of ethnic Serbs, and relies indefinitely on an international presence to police Serbia's claim to sovereignty over the province.

2) Keeping on Track in Kosovo

As one participant observed, it is not entirely clear what 'keeping on track' means, in light of the extremely messy outcome of the status process.

Kosovo is facing an uphill struggle to win widespread international recognition, and to implement the Ahtisaari plan in the face of the non-cooperation of the Serbian community. There is increasing awareness among Kosovars that the Ahtisaari plan is implementable only for the Albanian side. There will be much stronger public criticism of the decentralization elements of the plan, especially where this requires drawing new municipal boundaries to consolidate Serbian area

Major questions remain about how the transition from UN to EU is to be effected, in light of continued Russian obstruction; and how the EU is to carry through its commitment to Kosovo's EU integration, in light of the division among EU member states over recognition. **For as long as the EU member states are unable to adopt a common position on what Kosovo actually is, EU credibility will be undermined** and the 'EU perspective' will exert at best only weak leverage over reforms in Kosovo. This has significant implications for the capacity of EULEX to exercise its 'supervisory' role over the work of Kosovo institutions.

For the immediate future, Kosovo is in limbo between UN and EU, between the Kosovo institutions and Serbian influence. This situation is a recipe for institutional turf wars and irresponsibility. **Serbia is exploiting these uncertainties to entrench parallel institutions throughout Kosovo (not only in north Mitrovica, but in the enclaves south of the Ibar).** It is engaging in calculated testing of the 'red lines' that define Kosovo's unity and seeking to exploit any potential division between UNMIK, KFOR and the EU. In the coming Serbian electoral period, Kosovo cannot but become an item of bitter inter-party rivalries. DSS and the Radicals have an interest in keeping the Kosovo issue on the boil, while DS no doubt wishes to keep the situation as calm as possible.

In these circumstances, the EU is unable effectively to take responsibility, but has to depend on UNMIK and KFOR. UNMIK's authority with the Kosovars is rapidly eroding, and they expect it to withdraw by the end of the 120-day 'transition period' in June. Belgrade's interest in dialogue with UNMIK is welcome, but there is also an urgent need for EULEX to establish dialogue with Belgrade too, which cannot be expected before the Serbian elections and will be very difficult. It will depend on the formation of a DS-led government, which –if it comes about at all – is most likely to be weak.

Meanwhile, the June donors' conference should be used as a new opportunity to reach out to the Kosovo Serbs with a substantial aid package, including renewed support for IDP returns. And work needs to begin in preparation for further international negotiations to secure a status-neutral UNSC resolution that will allow transition to EULEX.

Despite the deeply unsatisfactory outcome of the status process, there was no dissent in debate at the seminar from the view that a significant step forward had been made. The next steps will be extremely complex, setbacks are to be expected, but Kosovo has entered a new phase that opens the way to 'finishing the job'.

FYR of Macedonia

During this session, there was also much discussion of the acutely fragile situation in FYR of Macedonia – an evolving crisis that has been overlooked. One participant argued that there was a greater danger of 'spillover' of Macedonian instability into Kosovo rather than the reverse. The prospect of exclusion from NATO accession at the forthcoming Bucharest summit was greeted with dismay. **A veto on NATO accession will have an immediate impact on the credibility of the EU perspective as well**, leading to the 'disintegration of the Euro-Atlantic integration myth' that has sustained the precarious Ohrid peace. Early elections in 2008 are in prospect, unless some sort of technical government can be put together to tide the country over for long enough to prepare the ground properly for elections. **Close EU involvement, including mediation between the parties and conducting future elections, is urgently called for.**

3) Prospects for Post-Bonn Powers Bosnia-Herzegovina

There was little debate about the question of whether or not BiH is ready for 'transition' from OHR with Bonn Powers to 'local ownership' – there was near unanimous agreement that it is *not*. EU conditionality is just not exerting powerful enough traction over BiH politics to guarantee the survival of the state without external oversight. Dayton stopped the war but did not create a functional country – in fact BiH is a prisoner of Dayton, trapped by the logic of its political system into a pattern of ethnic politics that can be summed up as 'war by other means'.

Bosnian Serbs have exploited the current regional instability to the full, seeing the EU as ready to appease Serbia for the 'loss' of Kosovo with concessions in BiH. Not unlike their counterparts in Serbia, **they confidently assume they will get EU integration on their own terms**, having succeeded in redefining the terms of police reform to a satisfactory (to RS) minimum. They are dismissive of the OHR and openly challenge his authority. It is the Bosnjaks (Bosnian Muslims) – who one might have thought have most to gain by BiH's fastest possible integration into the EU – that are blocking compliance with EU conditionality. They plainly fear that signing the SAA will mean withdrawal of the OHR, and their

paradoxical behaviour can be explained as a reflection of **their lack of confidence in the EU as a guarantor of the survival of the state, and scepticism that EU integration will prove an effective motor of state-building** without the threat of external compulsion. They have an unrealistic expectation that the OHR, eventually, will help them achieve the centralized state they continue to aspire to, **an illusion that deters them from developing and pursuing a realistic, coherent political strategy**. Instead, they are fighting each other.

Unlike the Bosnjaks, the Bosnian Serbs have recognised the essential weakness of the OHR in the current conditions: the US and EU have shown declining interest in BiH for some time, and recently have been overwhelmingly preoccupied with Kosovo. They are not willing to open up a further point of contention with Russia, which in addition to blocking the Kosovo status process has also begun contesting the OHR's use of the Bonn Powers. Thus although the steep and continuing deterioration in BiH politics plainly calls for robust international reassertion of commitment to BiH, in practice, the weakening consensus within the Peace Implementation Council (PIC) means that it is not possible to strengthen the OHR.

What, therefore, is preferable: maintaining the *status quo* of a High Representative with limited authority, working within the limits of the fragile PIC consensus (which undermines the credibility of threat of the Bonn Powers); or transition to a double-hatted EUSR/Head of EC Delegation, with a substantial budget but no real 'buy-in' on the part of the political elite into the EU future? Participants in debate agreed with the assessment that **the OHR is showing signs of exhaustion. If the Bonn Powers cannot be used, there is little point in prolonging an institution that is unable to deliver**. On the other, early transition to the double-hatted EUSR/HoD carries obvious risks. One participant argued that it could be possible to call Republika Srpska's bluff on secession: the enormous difficulties Kosovo now faces in securing international recognition should give the eminently pragmatic RS Prime Minister Dodik pause. Territorially, RS makes no sense as a separate state. The prospect of transition from OHR to EUSR could also compel the Bosnjaks to think politically in a more serious way. It would also be an opportunity to revamp the EUSR office. Nevertheless, most participants felt that serious thought would still need to be given to enhancing the credibility of the EU's security commitment to BiH as an essential concomitant to transition from OHR. Close coordination with the US will continue to be essential.

In the interim, more **could be achieved by way of support for civil society development** in BiH. It seems that the role of the OHR has in itself been an obstacle to the development of civil society capacity, in the sense that people look to the OHR to defend them or represent them vis-à-vis the politicians. They hate and despise their politicians – but still continue to re-elect them. The EUSR's communication campaign, and his new website (www.reci.ba) was welcomed as a step in the right direction.