



**Judy Batt**

## **Towards Kosovo 'Final Status' – The Regional Dimension**

19 December 2005, EU Institute for Security Studies, Paris

This seminar was attended by over forty participants, officials and experts, from across the EU member-states and from the Western Balkans. The purpose of the seminar was to exchange information on the state of affairs in the countries of the Western Balkans on the eve of Kosovo status negotiations, and to assess the likely impact of the latter on the region.

### ***1) At the Epicentre – Kosovo, Serbia, Montenegro***

In parallel with the Kosovo status negotiations, Montenegro is preparing to hold a referendum on independence in spring 2006. This means that Serbia will find itself confronting two potential secessions in close succession. There is little that can be done to avert this unfortunate coincidence. The EU recognises Montenegro's right, under the terms of the Belgrade Agreement, to hold a referendum after the elapse of the three-year moratorium in February. The EU now has a key role in ensuring the referendum is properly conducted, on the basis of rules agreed between government and opposition, and so leads to an uncontested result. Key questions debated at the seminar were as follows:

- ***Will Belgrade try to prevent Montenegrin independence in order to strengthen its position in the Kosovo negotiations?***

Belgrade has never contested Montenegro's right to self-determination by referendum, but vehemently denies the same right to Kosovo on the grounds that it never enjoyed the status of a Yugoslav republic but is an integral part of Serbia (albeit an 'autonomous province'). But the coincidence of the two issues coming to a head complicates Belgrade's position. Firstly, if the union with Montenegro cannot be made to work, Belgrade's proposal for a quasi-federal relationship with Kosovo – 'more than autonomy, but less than independence' – looks more improbable than ever. Moreover, for Belgrade to recognise Montenegro's independence on the basis of a likely narrow majority vote would expose the weakness of its position vis-à-vis the Kosovo Albanians, who are virtually unanimous in their support for independence.

In this context, Prime Minister Kostunica is in no mood to give the Montenegrin separatists, led by Prime Minister Djukanovic, an easy ride. The fact that Montenegrin society is deeply divided allows Belgrade scope for exerting influence, and it is doing this currently by insisting on a 50 per cent majority of registered voters in Montenegrin voting for independence as the minimum for recognising the outcome as legitimate; and by drawing attention to the possible costs of independence for Montenegrin citizens, such as loss of their current rights to free education and health treatment in Serbia, and (for those resident in

Serbia) loss of the right to vote and stand for office in Serbia. It is refusing dialogue with Podgorica to clarify these important practical issues. In short, it is supporting the Montenegrin opposition's position. None of this is helping the EU mediator's task in securing consensus on the rules for the referendum, and is stoking the rising tensions within Montenegro.

- ***Will there be violence in Montenegro?***

The official position in Belgrade is that it will not intervene with force against the expressed will of the Montenegrin people, and this seems credible. However, a positive vote for independence will be contested by the pro-Serbian opposition in Montenegro, and by Belgrade, at the slightest opportunity. There have been some vague threats to establish 'Serbian autonomous areas', but the geographical distribution of pro-Serbian support is scattered and this threat is not generally taken very seriously. But one cannot completely rule out some machinations by 'rogue' elements linked to factions of the Serbian security forces that are not under the control of the Belgrade government. It is therefore vital that the ongoing EU mediation between the Montenegrin government and opposition lead to agreement on the rules for the referendum that will produce an uncontested result. While urging the government to compromise, the EU also needs to make clear to both Belgrade and the Montenegrin opposition that, if the result is for independence, it is ready to recognise the new state and to minimise disruption to the SAA negotiations. Leaving the country in a legal vacuum would be highly undesirable.

- ***What sort of state would an independent Montenegro be?***

The EU has hitherto backed the State Union, arguing that it is the best framework for rapid conclusion of the SAA. It has been sceptical about the viability of Montenegro. However, despite problems of governance (which are not unique, and possibly less severe than elsewhere in the Balkans) the country has been *de facto* independent from Serbia for several years and, according to the Commission's 2005 'progress report', doing somewhat better than Serbia. Being kept in the State Union has not served to improve the quality of Montenegrin democracy, in fact one could argue the reverse. The State Union's future functioning, moreover, will not improve by keeping a frustrated majority in Montenegro bound to Serbia. Montenegrin independence is too often, and wrongly, viewed as the project of a narrow, corrupt elite, whereas in fact the majority of its supporters are strongly pro-reform and pro-Western, dismayed by slow progress and lagging EU integration. They are critical of the current government's shortcomings, but for now see no alternative to it, as the opposition is regarded as unacceptably tied to the old agendas of the Milosevic era and Serbian nationalism. After independence, a realignment of the party system is likely. The EU has virtually no presence in Montenegro. It should now be paying greater attention to strengthening civil society, which is determined to use the referendum as a means of relaunching democratisation and is struggling to propagate the EU message.

- ***What are the prospects for Serbian democracy?***

The Radical Party is constantly gaining strength in Serbia. This has much to do with popular frustration with the dire socio-economic situation and the political incompetence of the governing elites, as well as with Kosovo. The Montenegrin issue plays little part in this, although Belgrade's treatment of the issue is not preparing voters for the real possibility that it may become independent this year – in the same way as voters are unprepared for the outcome in Kosovo. When the 'unexpected' in fact happens, voters could well vent their outrage by turning in even greater numbers to the Radicals. But EU policy should not be driven by the Radical threat – it could happen in any case. However, some participants felt

that, once the issue of Serbian statehood is finally clarified, the ensuing elections will provide an opportunity for the EU to offer a persuasive package to Serbian voters that should strengthen the chances of democratic parties.

## ***2) Potential 'fallout' from the Kosovo negotiations in the region***

A key condition of maintaining regional stability will be how the Kosovo negotiations are conducted, whether an outburst of violence breaks out there at some point, and, in the longer term, whether the details of the final status agreement are realistic and can be implemented. There was some debate about whether either the 'Ohrid' or the 'Dayton' models were appropriate for Kosovo, where the minorities are a tiny proportion of the population. One participant argued that 'decentralisation' must not be at the expense of the functional governability of Kosovo. Some participants argued that in the long term, some form of union between Kosovo and Albania could not be excluded; although others were sceptical as to whether either side really wanted this.

- ***Former Yugoslav Republic of Macedonia (FYROM)*** is potentially the most vulnerable to explosive 'fallout' from Kosovo. It remains fragile, although adoption and implementation of the Ohrid accords has been remarkably successful in winning the confidence and allegiance of the Albanian minority. Radicalism in general is declining, but there is huge political apathy and a lack of positive energy to support reforms. A major outbreak of violence in Kosovo could rapidly change the political situation for the worse, and undo progress achieved in ethnic relations. The details of terms of Kosovo final status could also have a negative effect. Most participants agreed that guarantees of the permanence of Kosovo's current borders, excluding union with other neighbouring (Albanian-inhabited) territories, would be a vital stabilising factor for FYROM.

The economic situation is the main threat to stability here. The credibility of the EU perspective is absolutely vital, and the promotion of the country to candidate status in December was welcomed by seminar participants. The EU's 'enlargement fatigue' has generated uncertainty in FYROM, however, which saps enthusiasm and optimism. FYROM (and other West Balkans states) will have to give attention to 'selling' themselves as credible future member-states by showing that they are 'doing their homework'. For its part, the EU now needs to give more attention to how to provide interim targets and rewards that can sustain FYROM over the long haul to eventual accession. This also means funding. Many participants pointed to the vital role that visa facilitation could play here, as well as a substantial programme of EU scholarships for young people.

- In ***Albania***, the government's policy is to support Kosovo independence, and against partition. The idea of eventual unification has been dropped. It was argued that unification would severely destabilise both Albania and Kosovo, and there was no demand for it. Tirana has little influence over Kosovo, and relations between the two elites are cool, not hostile but not friendly either. Albania also supports Montenegrin independence, and has well-established, friendly relations with it. It seeks the same with Belgrade, but has met with no response. The main message was that Albania is feeling neglected by the EU. It has never been a priority, and possibly it is rather boring – 'but it is bad to be forgotten', one speaker argued. Albanian moderation and restraint could not indefinitely be taken for granted.

- ***Bosnia-Herzegovina*** In the absence of the speaker from the International Crisis Group (who withdrew the evening before the seminar), the general consensus among participants was that BiH would not be challenged by a resurgence of Serbian nationalism in Republika Srpska in the wake of Kosovo final status (assuming the outcome is separation from Serbia). While leading figures in both Belgrade and Banja Luka have, over the past year or so, intimated that Dayton was ‘under attack’ from reforms in the BiH constitution and the challenges to Serbia’s territorial integrity, these were not seen as serious threats. The EU has made clear that the aim is not to abolish Republika Srpska.

In fact, remarkable progress in consolidating BiH statehood has taken place in 2005, with defence reform, the start of police reform, and the opening of SAA negotiations. The Republika Srpska leadership now declare full support for the hunt for Mladic and Karadzic. Current talks on constitutional reform have made significant progress. Not everything was likely to be sorted by the March deadline (set by the timing of the October elections), but it was important to recognise what has been achieved. Nationalist leaders are unwilling to reveal to their voters, in the run-up to elections, how far they have already made compromises. Thus news coverage has – somewhat misleadingly - been very downbeat. After the elections, constitutional talks will resume. It is important that the leaders decide on reforms for themselves, for the good of their own peoples, and for the sake of progressing in EU integration. This may be slow, but is much more likely to be effective than direct pressure from outside.

### ***3) The EU’s strategy: dealing with ‘unfinished states’***

At last, in 2006, ‘final status’ for the whole region should be settled, and this should help to re-focus political priorities onto preparing for EU integration. Despite ‘enlargement fatigue’, in 2005 the EU opened accession negotiations with Croatia, promoted FYROM to candidate status, and opened SAA negotiations with Serbia-Montenegro and Bosnia-Herzegovina. Albania is nearing conclusion of its SAA. It is indeed hard to see what more could have been done, even if the mood within the EU had been better. This demonstrates that the rationale of the EU’s strategy is solid, firmly grounded in the realities of the region, and is working.

It had been a mistake in 2000 to heed the new Djindjic government’s arguments for postponing status issues until Serbian democracy had taken firm root – in the event, these unresolved issues had prevented the consolidation of Serbian democracy. EU integration presupposed settled status and clear accountability of governments to their citizens. The demise of the State Union, Montenegrin independence and Kosovo’s ‘final status’ will clarify statehood for Serbia too. There will still be some in the region – in southern Serbia, FYROM, Republika Srpska – who continue to contest borders, but the mainstream focus of politics will be directed on EU integration.

A recurrent theme in debate was the ‘empire or enlargement’ theme, taken up from the report of the International Commission on the Balkans. The EU cannot get sucked into the role of an ‘imperial’ overlord – this is inherently alien to its character, and would not, moreover, foster viable states and credible future members of the EU. The EU has to be prepared for the long haul – and can reasonably reassure its citizens that early enlargement to ill-prepared and unstable countries is not on the agenda. The costs of transforming the region have to be confronted realistically, as a long-term investment that will be much cheaper than indefinite stationing of stabilisation forces.

Keeping the Western Balkans countries on track towards the EU will clearly not be as easy as it was in the case of Central and Eastern Europe. Notwithstanding the imminent threat of a further deviation in Serbia under a Radical government, this is unlikely to be long-lasting,

and spillover beyond Serbia's borders can be contained. In the medium term Serbia could surprise us all. Early signs from the first encounters with the Serbian SAA team had been most encouraging in this respect. Dealing with the other smaller and much weaker states will require the EU to refine its strategy with interim targets and rewards. In the short term, the most potent card the EU has to play is visa facilitation, to which more serious attention should be given. Means have to be found to overcome the isolation of the region, and, especially, the lack of contact of its young people with the EU. And, in the economic field, greater priority should be given to promoting economic growth and development, alongside economic reforms.

## LIST OF PARTICIPANTS

- Franz-Lothar **ALTMANN**, Head, Research Unit Western Balkans, German Institute for International and Security Affairs (SWP), Berlin
- Judy **BATT**, Senior Research Fellow, EU Institute for Security Studies, Paris
- Kristof **BENDER**, Senior Analyst, European Stability Initiative (ESI), Vienna
- Pierre-Antoine **BRAUD**, Chargé de Recherche, Institut d'Etudes de Sécurité de l'Union européenne, Paris
- Maria **CORANTIS**, Secretary of Embassy, Permanent Representation of Greece to the European Union, Brussels
- Benjamin **CRAMPTON**, Officer on Special Projects, Office of the Special Representative of the Secretary general, United-Nations Interim Administration Mission in Kosovo, Pristina
- Milica **DJELOVIC-DJILAS**, Lecturer in Political Science, University of Belgrade, Belgrade
- Véronique **DOCKENDORF**, Desk Officer Western Balkans, Ministry for Foreign Affairs, Luxembourg
- Charles **ENGLISH**, Director, Office of South Central European Affairs, U.S. Department of State, Washington, D.C.
- Giedrė **GELEŽEVIČIENĖ**, Desk Officer for Western Balkans, Ministry of Foreign Affairs, Vilnius
- Vladimir **GLIGOROV**, Researcher, Senior Economist, The Vienna Institute for International Economic Studies (WIIW), Vienna
- Nicole **GNESOTTO**, Directeur, Institut d'Etudes de Sécurité de l'Union européenne, Paris
- Heather **GRABBE**, Member of Cabinet of Commissioner Olli Rehn, European Commission, Brussels
- Giovanni **GREVI**, Research Fellow, EU Institute for Security Studies, Paris
- Borut **GRGIC**, Director, Institute for Strategic Studies, Ljubljana
- Istvan **GYARMATI**, Chairman of the Board, The Centre for Euroatlantic Integration and Democracy (CEID), Budapest
- Pierre **HASSNER**, Directeur des Recherches émérite, Centre d'Etudes et de Recherches Internationales (CERI), Paris
- Metka **IPAVIC**, Ambassador, Permanent Representative of the Republic of Slovenia to the PSC, Permanent Representation of the Republic of Slovenia to the European Union, Brussels

- Tim **JUDAH**, Independent journalist and author, London
- Paul **KAVANAGH**, Ambassador, Permanent Representative of Ireland to the PSC, Permanent Representation of Ireland to the European Union, Brussels
- Ivan **KRASTEV**, Chairman of the Board and Research Director, Centre for Liberal Strategies, Sofia
- Björn **KÜHNE**, Senior Political Advisor, Cabinet of the Special Coordinator, Stability Pact for South Eastern Europe, Brussels
- Remzi **LANI**, Executive Director, Albanian Media Institute, Tirana
- Angus **LAPSLEY**, Deputy Head of the Department for Western Balkans, Foreign and Commonwealth Office, London
- Stefan **LEHNE**, Directeur DGE VI - Balkans occidentaux, Europe de l'Est et Asie Centrale, Secrétariat Général du Conseil de l'Union européenne, Bruxelles
- Saso **ORDANOSKI**, Programme Manager, FORUM - Centre for Strategic Research & Documentation, Skopje
- Martin **ORTEGA**, Senior Research Fellow, EU Institute for Security Studies, Paris
- Marko **OSOLNIK**, First Secretary, Senior Analyst, Policy Planning and Research Depart, Ministry of Foreign Affairs of the Republic of Slovenia, Ljubljana
- Momcilo **RADULOVIC**, Secretary-General, European Movement in Montenegro, Podgorica
- Nadège **RAGARU**, Chercheur, CNRS – Laboratoire d'Analyse des Systèmes politiques (LASP), Nanterre
- Alexander **RONDOS**, Independant consultant, Athens
- Thomas **SCHNÖLL**, Referatsleiter, Referat II.3.b – Südosteuropa, Ministry of Foreign Affairs, Wien
- Michael **SAHLIN**, former EU Special Representative to Skopje; Director General, Folke Bernadotte Academy, Sandöverken
- Ivo **ŠRÁMEK**, Ambassador, Permanent Representative of the Czech Republic to the PSC, Mission of the Czech Republic to the European Union, Brussels
- László **STOCK**, Second Secretary, Representative to the Committee for Western Balkans (COWEB), Committee for Asia Working Party (COASI WP), Permanent Representation of Hungary to the European Union, Brussels
- Dimitrios **TRIANTAPHYLLOU**, Special Advisor, Cabinet of the Deputy Foreign Minister, Ministry of Foreign Affairs, Athens

- Dirk **WOUTERS**, Ambassadeur, Représentant permanent de la Belgique auprès du COPS, Représentation permanent de la Belgique auprès de l'UE, Bruxelles

- Alexandros **YANNIS**, Western Balkans - Directorate of External and Politico-Military Affairs, Council of the European Union, Secretariat General, Brussels

Observers

- Anna **ABRAHAMIAN**, Europe Program Assistant, International Crisis Group, Brussels

- Agnieszka **SONIK**, Intern, EU Institute for Security Studies, Paris