



## Politics Prevail in EU Enlargement

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**On 9 December 2011, the European Council will discuss the future for Serbia as a member of the EU. Serbia has come a long way in the past ten years, and the captures of alleged war criminals in recent years have underlined the commitment to a European future on the part of the Serbian government. However, Kosovo remains a serious obstacle for Serbia's EU dreams, as the latest developments in the region have shown. The internal division of the EU on the issue complicates the matter further. Once again, politics prevails in EU enlargement.**

*Julie Herschend Christoffersen*

When the European Commission presented its annual enlargement package in October, it was an event that had been eagerly awaited in Serbia. After a few years working hard on improving relations with the EU, the Serbs finally got their reward: a positive opinion from the European Commission to EU member states to grant Serbia an upgrade in status from potential candidate to candidate country. This upgrade will, however, be dependent on a resumption of the EU-sponsored dialogue with the Kosovo authorities and most importantly the unanimous approval of all 27 member states at the European Council meeting on December 9.

The upgrade to candidate status is mostly a pat on the shoulder and a token of recognition of a country's progress. It does not give any new privileges to the applicant country but merely means that it is now eligible to begin negotiations on membership. These negotiations are, however, likely to take five to ten years before actual admission to the EU will be taking place. Serbia's neighbour Croatia started negotiations in 2005 and is expected to enter the union in 2013.

### POLICY RECOMMENDATIONS

- **The EU should stand firm on conditionality and refrain from using its enlargement policy as a diplomatic tool.**
- **The EU should still keep up the political pressure for reform in Serbia.**
- **The crisis of the euro should not hamper the EU's engagement in the Serbia and the rest of the western Balkans. The EU must not lose sight of the western Balkans.**



## A ROCKY ROAD

Serbia's road to the EU has been long and rocky since the fall of Milosevic. For a long time, cooperation with the ICTY was the central issue between Serbia and EU. Serbia's progress towards the EU depended on the ICTY's (International Criminal Tribunal for the former Yugoslavia) reports.

Serbia's failure to deliver on the demand to arrest indicted war criminals has blocked the negotiations on a Stabilisation and Associations Agreement (SAA). In 2006 SAA negotiations between Serbia and the EU were frozen for about a year due to lack of cooperation with the ICTY. It was only when General Tolimir, No. 3 on the ICTY's wanted list, was arrested that negotiations were resumed. When Karadzic was attested in 2008 and Mladic and Hadzic in 2011, it was clear that a huge stumbling block had been cleared from Serbia's road to the EU.

However, the issue of Kosovo has always been and still is crucial to Serbia's relations with the EU.

When the Kosovars declared independence in February 2008, it stirred concerns in Brussels that nationalism could be fuelled in Serbia and pull the country in the wrong direction in the coming elections. Therefore it was decided to sign the SAA with Serbia, despite the fact that the criteria to do so, involving full cooperation with the ICTY, had not been fulfilled. However, the effects of this premature award to Serbia were quick to appear: the pro-European Boris Tadic's party won the parliamentary elections, and shortly afterwards the head of the secret police was replaced and Radovan Karadzic arrested. The first battle over Serbia's future was a clear victory for modern, pro-European Serbia.

This did not, however, mean that there was any softening on Kosovo. Serbia asked the International Court of Justice to examine the legality of Kosovo's declaration of independence, but in July 2010 the court dubiously ruled that Kosovo had not violated any international law by declaring independence. President Tadic reacted by saying that Serbia would never recognise the independence of Kosovo, but he did appeal to the Serbs in Kosovo to refrain from violence and proclaimed that he would only fight for Kosovo through diplomatic channels.

In September 2010 a breakthrough was made in EU-Serb relations: Catherine Ashton managed to convince Serbia to drop a very negative draft resolution for the UN General Assembly and replace it with a resolution co-sponsored by the EU countries and Serbia. The deal was seen as a major victory for Ashton, since the talks between Belgrade and Pristina were now to be facilitated by the EU instead of the UN.

## AGREEING TO DISAGREE

The positive experience with the UN General Assembly resolution does not, however, reflect a trend in EU's dealings with Kosovo. Kosovo poses a particular challenge to the foreign policy of the EU in general and to its policy in the western Balkans in particular. 22 of the 27 member states have recognised Kosovo's independence, but Spain, Greece, Cyprus, Slovakia and Romania have for different reasons refused to do so. It seems unlikely that any of them will do so in the near future. This division in the EU is causing it problems in its efforts to deal with Serbia and Kosovo. The EU has only agreed not to have a common position on Kosovo's status, which means that the EU and European Commission are status-neutral, and official documents still refer to Kosovo under UN Security Council Resolution 1244.

The division over Kosovo also means that the EU cannot set recognition of Kosovo as a condition for Serbia's membership. The EU-led negotiations are seen as a process for normalising relations between Serbia and Kosovo. So far what has been agreed is to have bilateral meetings between officials from Belgrade and Pristina to negotiate on issues that are not directly related to the status issue, but instead focus on day-to-day issues such as the free movement of people, allowing flights bound for Pristina to enter Serb airspace, telecommunications etc.

## DISPUTED BORDERS

After a period of normalizing relations, the situation all of a sudden worsened in the summer 2011 in the northern part of Kosovo, which is a de-facto Serb protectorate run by parallel structures supported financially from Belgrade. The breakdown came after a period with progress in the dialogue when an agreement on facilitation of cross border travel was reached in June.

Belgrade refuses to recognize customs stamps issues by the Kosovo authorities, fearing that this could be regarded as de facto recognition of Kosovo independence. The Kosovo government has since been trying to reassert its authority in the Serb-dominated northern parts of Kosovo, which has resulted in occasional violence in which both local police and NATO soldiers have been wounded.

In September another violent incident erupted at the Serbian/Kosovo border when NATO soldiers tried to remove the Serb roadblocks near a disputed border crossing with Serbia. The turmoil in Kosovo fuelled fears of more instability in the region, and the dialogue meetings were cancelled. At that time it did not look as if Serbia would receive candidacy status.



*A Serbian flag at a roadblock in front of Slovenian troops serving in the NATO-led peacekeeping mission in Kosovo, near the village of Rudare, Kosovo, Friday, July 29, 2011. © AP Photo/Zveki.*

### **IT TAKES 27 TO TANGO**

The decision to grant candidacy status ultimately lies with the European Council, where all 27 member states have to take the decision unanimously. As has often been the case before, this is where politics enters the stage. In the end there are no clear benchmarks on what qualifies a country to become a candidate country. Even if there were, it would be up to the member states to interpret the meaning of these benchmarks. Thus was seen in the case of Serbia and ICTY cooperation, when Belgium and the Netherlands blocked the SAA negotiations because “full cooperation with the ICTY” in their view meant catching Karadzic and Mladic, not just opening up wartime archives.

Bilateral issues unrelated to the official benchmarks can also block a country’s road to accession. The dispute concerning the official name of FYROM (Former Yugoslav Republic of Macedonia) and Greece is a classic example. And instead of being a friendly neighbour, Slovenia also blocked Croatia’s accession negotiations due to a dispute over where to draw the maritime border between the two countries.

The case of Kosovo is even more problematic. Given that the EU does not have a common stance on the status of Kosovo, it has found it hard to put pressure on Serbia in



this regard. The official policy is that the status of Kosovo should not stand in the way of Serbia entering the EU. The often presented Serbian choice between EU and Kosovo does not exist in official EU policy, but in reality the question is reflected in all relations between Serbia and the EU. Regional cooperation and thus good neighbourly relations are the criteria for further EU integration. In other words, Serbia is obliged to work constructively with the Kosovo authorities.

In Serbia, many had hoped that the country will also be given a date for opening membership negotiations. They have seen how Macedonia and Montenegro have been parked with a candidate status without starting negotiations. The Commission did, however, make the resuming of dialogue with Pristina a prerequisite for recommending the opening of negotiations and once again showed that the division between Serbia's relationship with Kosovo and its integration into the EU only exists in theory.

## **A BALANCING ACT**

The flag of Serbia bears the coat of arms portraying a double-headed eagle looking in opposite directions. Serbia itself does the same. One side represents the radical nationalists, who still regard Mladic and Karadzic as heroes and want to retain close ties to Russia. The other side is the modern pro-European movement, which has a pragmatic approach to the future and accepts that concessions must be made if Serbia wants to move forward. The EU tries to pull Serbia in this direction and does what it can to keep Tadic's government in power. A pro-European government is interested in keeping good relations with Brussels and is easier for Brussels to influence. It is difficult to say exactly what might have happened in Kosovo after it had declared its independence if there had been a nationalist government in Belgrade. A return to a more nationalist regime could have been destabilising for the whole region and in the end could have caused a security threat to the EU.

It is clear that the EU has so far done what it could to prevent such a situation. The bar has been lowered in order to

keep Serbia on the EU track. So far this strategy has been successful. The pro-European government has stayed in power, and in return the EU got the alleged war criminals and a relatively peaceful process following Kosovo's declaration of independence. The trade-off is a less transparent enlargement process and an image of the EU as more concerned to keep the carrot dangling close enough to Serbia's nose than to consider the actual reforms that are taking place in the country.

Serbia has indeed been improving in many areas, and with the resumption of the dialogue with Pristina at the end of November and Tadic calling the roadblocks in northern Kosovo contrary to Serbian national interests, it seems as if the Serbian government has its eyes firmly locked on Brussels and its candidacy status. In return President Tadic is hoping that candidacy status will improve the chances of his Democratic Party staying in power after the general election, which will be held in the spring of 2012.

However, it must also be noted that the political landscape has changed in Serbia. A close runner up to Tadic is Tomislav Nikolic and his Serbian Progressive Party. The former leader of the Serbian Radical Party formed his own party in 2008, one with a right-wing profile but a pragmatic approach to the EU. How he would tackle relations with Kosovo remains to be seen, but it seems that the EU still is the only game in town for Serbia.

Nobody knows what the Balkans would have looked like without the EU. On the other hand, it is clear that Kosovo's declaration of independence, which could have led to massive violence, did not do so. So far the EU's strategy has worked well, in spite of the negative influence that it might have had on the transparency of the enlargement policy and the decisions made by the EU.

However, it is also clear that a continued focus and encouragement to reforms should at all time be present from the Commission and EU's member states. The debt- and euro crisis should not distract the attention of the member states of the EU: Europe cannot afford to lose Serbia again.

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*The opinions expressed in this policy brief are those of the authors alone and do not necessarily reflect the official opinion of the Danish Institute for International Studies.*

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