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Serbia, Montenegro, Kosovo – The State of Play

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This meeting of the EUISS Task Force on the Balkans was attended by thirty seven 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 current state of play in Serbia, Montenegro and Kosovo. Key conclusions were as follows:

- **Montenegro:** the EU must capitalise on its success, and keep up momentum by restarting SAA negotiations without further delay;
- **Serbia:** the EU must work with Serbia on ‘comprehensive package’ to help steer it through the stormy months ahead;
- **Kosovo:** the general sense within the international community – and among this seminar’s participants too – was ‘the sooner the better’. But the EU needs to focus on deep economic problems as well as security and rule-of-law issues.

1) Montenegro after the referendum

NB The text of Ambassador Lajcak’s presentation is appended as an annexe to this report.

The two speakers both emphasised that **both the conduct and the outcome of the Montenegrin referendum were successes for the EU**. One major problem had been removed from the overloaded 2006 Western Balkans agenda. The experience had shown that political behaviour in the Balkans *can* change, provided the EU is committed and closely engaged. International recognition and integration of the new state into international organisations had gone swiftly and smoothly.

Montenegrin independence had been welcomed by the neighbouring states, and even Serbia had overcome its initial hesitations and was now engaging constructively in settling the legacies of the State Union. One side-effect had been the revival of separatist rhetoric in **Republika Srpska**, where politicians revived the idea of a referendum there on the status of the entity. This appears to have been mainly driven by the quest for short-term electoral advantage, rather than a serious proposition – even so, a depressing reminder of the persistently low sense of political responsibility there that inevitably casts doubt on whether BiH will be ready to function without the Bonn Powers by next year, as planned.

There was general agreement that the EU must now keep up the momentum by adopting the new SAA mandate and restarting negotiations with Montenegro at the earliest possible date. It was not acceptable to hold Montenegro back in order not to further ‘irritate’ Serbia, with which negotiations remain on hold. **Each country should benefit from its successes and pay for its mistakes – but neither should pay for the mistakes of the other.**

Discussion focussed on post-referendum domestic politics and the prospects for the coming general election, due in late September or early October. A Montenegrin participant noted that the popular mood was not euphoric: ‘We woke up after the night of celebration and found the same problems.’ While highly critical about the state of political and economic reforms in his country, he nevertheless deeply objected to branding it as a ‘Mafioso state’. **There were indeed serious problems to be tackled, but there were many people in both government and civil society ready to work hard to overcome them. They now needed the support of EU, which should remain closely engaged, monitor developments and firmly exploit the instrument of conditionality.**

Many participants noted the deep division within the country, yet, insofar as the division is essentially political, and *not* ethnic, there was reason to believe this could be overcome by political means. There was much debate about a possible ‘grand coalition’ after the election between the current ruling DPS, led by Milo Djukanovic, and the main opposition party, the SNP led by Predrag Bulatovic, thus straddling the divide between the key pro- and anti independence forces. Many participants argued that this would be beneficial in overcoming the basic political division over independence.

Others emphasised that although these parties might well unite around a common pro-European programme, there was room for doubt about how serious a commitment to reform such a coalition would have, and whether it would improve the quality of Montenegrin democracy at all. Both parties are steeped in the local patriarchal traditions, compounded by the communist heritage of monopolising power. **A ‘grand coalition’ might achieve political reconciliation at the cost of further democratisation and reform – unless the EU is fully engaged in Montenegro, and ready to make full use of its leverage over the government in the SAA process and to help Montenegro’s civil society to develop.**

2) What can be done about Serbia?

The two Serbian speakers presented a bleak picture of the state of Serbia today; and both made heartfelt pleas for assistance from the EU. The society is on the point of submitting to what one called the ‘Trianon syndrome’ which afflicted Hungary for decades after World War I: a defeated, pessimistic and resentful country, turning in on itself. A huge apathy had settled over civil society – in stark contrast to 2000, when it had mobilised to bring about democratic change. The democrats were not only deeply divided and on the defensive, but terribly lacking in courage and rationality. There was no drive from within to confront the international and domestic challenges. The June European Council statement on Serbia had sent exactly the right positive signal – but then Kostunica’s response had been a disaster, setting the country on a course of confrontation with the EU.

As one participant noted, **Serbs are traditionally a proud people, so when they start appealing for help, the EU must respond.** Early elections are a strong likelihood this autumn, but the democratic forces have very little to offer their voters, who are likely to abstain, leaving the way open for the Radicals, who are now winning some 40 per cent of those who say they will vote. Both speakers had now come round to the view, however, that early elections were desirable, despite the risks, in order to overcome the deadlock and paralysis. But a positive outcome would require **help from the EU for those in Serbia who do not want their country to be lost for Europe**, perhaps for many years.

Discussion focussed on the need for **a comprehensive package for Serbia** that could help steer it through the stormy passage of the coming months. It was not a matter of ‘helping Kostunica’ but helping the people of Serbia. This did not just mean financial, but also political commitment. The EU could offer Serbian leaders some ‘friendly mediation’, possibly by Solana himself, and not necessarily in public at all, to facilitate agreement on a ‘road map’ for the next 6-7 months, clarifying the sequencing of events, and the order in which the various coming challenges needed to be tackled.

The following possible elements of a ‘package’ and other means of helping Serbia move forward, were put forward and debated:

- **ICTY:** The government was now discussing an ‘Action Plan’ on ICTY cooperation, but was continuing to show ineptitude in dealing with this issue. The way forward could be to set up **a joint Task Force with the EU**, on the model adopted with Croatia on the Gotovina case. This would keep the Serbian authorities focussed, coordinated and motivated. It could help rebuild mutual confidence between the ICTY and Belgrade.
- **Kosovo:** Both speakers and several participants urged that the EU/international community should now make clearer, unambiguous statements about where the status negotiations were going: i.e. that Kosovo is going to become independent. Some Contact Group members had made moves in this direction earlier in the year, but this seemed not to have been followed up since then, either in private, in bilateral meetings with Serbian leaders, or in public. This did not make life easy for those few people in Serbia ready to tell their people what was about to happen: they were simply branded as traitors. A key ingredient of a ‘comprehensive package’ would focus on ensuring that the Kosovo Serbs do not flee *en masse* to Serbia. **The Serbian speakers agreed that what was now needed from the EU/international community was both clarity on the end destination, and speed in reaching it.**
- **Visas:** This issue once again was the subject of impassioned and frustrated comment by many participants. It was recognised that this was largely in the hands of EU Interior Ministers. But visa policy had to be coordinated with the foreign policy objectives of the EU. One participant argued for **an EU Task Force on Visas**, bringing together Member States’ representatives and relevant EU bodies. This would have greater ‘political muscle’ and could bring more coherence into EU visa policy.

The issue had to be depoliticised: the EU should set out clearly for Western Balkans countries what the required technical standards are (eg in passports, border control systems), and then provide assistance in meeting them. Clear and measurable standards should reassure EU public opinion.

- **New Constitution:** Kostunica had made passage of a new Constitution the priority of his administration. But the constitution had fallen prey to the deep division among democratic forces, and nothing had come of it. Now, after the demise of the State Union, there was renewed interest: a new Constitution would be at least one achievement to put before the voters; and a new Constitution will be required for the conclusion of the SAA. There were signs that Kostunica and Tadic were ready to communicate on this issue. The EU should be following developments closely and encouraging them towards agreement on a sound and workable constitution – not a ‘quick fix’ largely driven by party interests which could later backfire.

3) Kosovo – how far from a viable settlement?

The short answer to this question is ‘hard to say’. The technical meetings to date have not produced a breakthrough, although at least a better understanding of the respective positions has been gained. Negotiations are only now entering the substantial phase. The Contact Group has a preference for completing the process by the end of the year, and Ahtisaari has clear ideas how to move forward. **The general sense in the international community is ‘the sooner the better’.**

Key issues that could hold up progress are:

- Certain ambiguities in Russia’s position, in particular, the insistence on a settlement that respects ‘universal values’, not special treatment for the Kosovo case;
- The possibility of early elections in Serbia this autumn, which would unavoidably call for adjustment of the Kosovo timetable;
- The challenges for the Kosovar leadership in maintaining unity and gearing up to engage fully in negotiation.

A major focus of concern are the **developments in the north, where local Serbs (no doubt backed by Belgrade) appear to be preparing for partition** in the event that negotiations do not go their way. Efforts by Kosovar leaders to engage seriously in an informal context with Serbs and other minorities were reported to have produced encouraging results, but the problem, as seen by the Kosovo Albanians, is that Belgrade has ‘hijacked’ the local Serbs, and Kostunica is moving to a confrontational approach vis-à-vis the EU and international community.

These developments appear to have been prompted by the Montenegrin referendum outcome: Belgrade, disoriented by the unexpected result in Montenegro, might have been seeking ‘compensation’ for that ‘loss’ by stoking local Serb militancy. **But not only is the Kosovo legal and political case wholly different, the Kosovo outcome will also emerge in a very different way from that in Montenegro.** Neither UNMIK nor the Kosovo authorities had shown they were capable of running the country, now afflicted by dysfunctional politics, a dysfunctional economy, and a divided territory. The status settlement will not therefore produce a clear-cut result on a given day, but will rather be a protracted – and probably muddled - process of transition to a ‘sort of independence’, hedged round by conditions and a continuing extensive international military and civilian presence.

So even if we achieve a ‘status’ for Kosovo, the question will remain of whether it is viable. As one speaker noted, the IMF does not actually know what the GDP is; but it is clear that the long-term trend of Kosovo falling further behind the region is continuing, and there is no reason to expect a turnaround. Growth is driven by unsustainable levels of government spending and the international presence. The draw-down of UNMIK will have a huge economic impact. **Kosovo’s socio-economic condition is alarmingly similar to that of Gaza – so the key question is why Kosovo is in fact so stable?** The answer, unfortunately, appear to lie in the **inflated expectations that the population has of the economic benefits of independence.**

The EU will clearly face enormous challenges in taking over key new responsibilities in post-status Kosovo. It was pointed out that so far, EU planning is overwhelmingly focussed on rule-of-law aspects – but what is also needed is much greater attention to the economy, rural development, and education. The model emerging for Kosovo seems to draw heavily on the international community’s experience in Bosnia-Herzegovina, **but it could not be expected that Kosovo society and political elites would accept international tutelage as readily as the more passive Bosnians had done.** The Kosovars were likely to be continually testing the powers and political will of the international presence, and political energies would be chiefly directed to struggle against the ‘colonial’ power – yet the Kosovar leaders plainly lacked a credible positive vision for their country.

A less pessimistic view was put forward by one participant, who questioned how vital it was for Kosovo to have a ‘vision’. Slovakia, for example, had not had a ‘vision’ at the outset of its independence; but the mere fact of independence had mobilised new energies. **Instead, the EU perspective had provided the vision, and the EU’s technocratic conditionality had had a steadying impact and given focus to political direction.** Another participant noted that at least Kosovo already had an institutional framework in place, unlike BiH in the immediate post-Dayton period. EU conditionality could thus be applied with some expectation of responsiveness on the part of the Kosovo government. Thus we should be prepared for pleasant surprises, and not just worried about unpleasant ones.

Discussion returned on repeated occasions during the day to **the challenge of securing the Serbian minority’s place in Kosovo**, preventing mass flight and/or the possibility of the Serbs in the northern municipalities entrenching themselves as a new micro-state in the Balkans – and the interlinkage of all of these issues with what is happening and could happen in the near future in the political configuration in Belgrade.

Thus, it was a day of intense, sobering, and serious debate – and pervaded throughout by the conviction that, were the EU fully to focus and mobilise its undoubted potential, much could be achieved. **What is at stake in 2006, one participant remarked, is also the credibility and self-confidence of the EU as an international actor. In Montenegro, it worked - for sure, a much easier case, but undoubtedly a success from which the EU should take encouragement.**

SERBIA AND MONTENEGRO AFTER THE REFERENDUM

Presentation by Ambassador Miroslav LAJČÁK

Political Director, Ministry of Foreign Affairs of the Slovak Republic, Personal Representative of SG/HR CFSP EU for Montenegrin Referendum

- Montenegro, the new state on the map of Europe was created with active participation of the European Union. The purpose of our presence was not to help separate Montenegro from Serbia. It was engagement that respected the reality on the ground and that wished to set the referendum parameters so that this process raises no questions or disputes – now or in the future. The main objective - to maintain an open-ended result until the last day – had been achieved. We have also achieved another important goal – to provide the process with greatest possible legitimacy, adequate to its importance, since the turnout was more than 86%. It is also very important that the EU reached an agreement on the terms of the referendum and gained support from the US. Finally, the referendum process as it was organized had demonstrated that even the most challenging and sensitive issues could be resolved in a democratic way in the Western Balkans. And it has also proved that political behaviour in the Balkans can change, provided the EU is committed and closely engaged, as this was precisely the case.
- There were three stages of the process – setting the rules of the process, the referendum campaign, and, finally, the referendum itself and post-referendum development
- The first stage was the most positive – despite the fact that the question of the future status of Montenegro was the most controversial in the country in recent years, we were able to agree such rules of the game that were accepted both by the governmental coalition and the opposition, and later – logically – also by Belgrade. The positive impact of the EU's engagement was most visible in this respect – our presence had an enormously positive effect on the constructive behaviour of both camps.
- The second stage was a standard – it had its ups and downs. The worst moment was when the opposition boycotted the work of the RRC because of the arrest of one of its members, who, on the other hand, was apparently involved in illegal activities. Conversely, the most positive moment was when the government agreed - for the first time after many years - to allow the opposition to cross-check the Central Voters' Register (CVR). The fact that it had been settled had a great positive impact on the overall atmosphere in the society.
- The third stage brought mixed results – a good referendum complying with European standards, but certain moments immediately after the polling stations had closed that were not handled well (here the opposition, especially its leader Predrag Bulatovic, played a very important constructive role) and subsequently, the regrettable return of the opposition to the traditional rejection of reality and to misleading the public

(along the lines of the usual thesis that failure does not exist and there is always someone else to blame).

- The referendum was free and fair, there is absolutely no doubt about it. As far as the opposition's behaviour is concerned, sadly, recognition of defeat and congratulation to the opponent on victory are terms that their political vocabulary has yet to contain.
- I do not hide that I am sad about the fact that no-one from the opposition, especially its leader and head of the strongest opposition party Predrag Bulatovic, has been able to be generous enough to recognise the referendum's result and say a word of respect for the large number of people who voted for independence. It was the opposition who requested that the EU participate in the whole process as actively as possible. It was the opposition who accepted the referendum formula (55% of valid votes) a week earlier than the governmental coalition. Today, it is the opposition who hypocritically maintain that the independence of Montenegro was decided by the EU.
- I regret this because throughout the whole time I had the feeling that the process was accompanied by the realisation that there was a pro-European, standard democratic alternative to the current government emerging in the personality of P. Bulatovic and his SNP, which would have been good news for the Montenegrin government, for the whole Montenegro, for the region, as well as for us – the international community. Today, when I look at the opposition's steps from a distance, I am not so sure.
- In this context, I also have to mention the decision of the European Commission to put on hold the negotiations on the Stabilisation and Association Agreement, which was adopted only a few days before the referendum. We may speculate about the extent to which this decision affected the overall result of the referendum, since it was a direct blow against the argument of the Montenegrin opposition that keeping the state union would mean faster progress towards European integration. The truth is, though, that the Serbian government failed to fulfil its explicit and firm pledge to hand out General Mladic by the end of April. Therefore, the European Commission's reaction could not surprise anyone.
- Naturally, the first days after the referendum raised concerns about what we can expect from Serbia, not least because of the position the Government in Belgrade has taken during the campaign. I admit that I was worried that Kostunica's government would be inclined to "punish" Montenegro, or better said its government, for "daring" to separate. Fortunately, the developments of recent days show that common sense is winning both in Podgorica and Belgrade – Serbia and Montenegro have recognised each other reciprocally and established diplomatic relations, they are planning to open embassies in each other's countries, and what is even more important – they have declared they are willing to maintain a certain degree of civic comfort from the period before the referendum (crossing the border without passport, studying for free, etc.). This means that if the attitude towards the referendum in Montenegro and the situation after the referendum has been a test of the Serbian government's democratic capacity, I am happy to say that the Serbian government has been doing well in this test so far.
- What comes next? – Each of them will fight on their own. Podgorica will no longer hide behind Belgrade, Belgrade will no longer blame Podgorica. A substitutional

issue, which had been permanently present here since 2000, was finally eliminated, thank God, in a European way, and both of the republics can now concentrate on what really is a matter of priority for them – the political, economic and social transformation and integration into Euro-Atlantic structures.

- Today, Serbia and Montenegro are facing an extremely important task of building new mutual relations under the circumstances of having two independent states. Co-operation between these states, as well as the prosperity and satisfaction of their people, and, at the end of the day, the stability of both countries, will depend on the standard and quality of these relations. Both parties are currently approaching their mutual relations emotionally to a large extent, which is an understandable consequence of the pre-referendum mobilisation of the people in Montenegro and the inevitable feeling of regret, abandonment or even treachery on the part of Serbia. Regardless of the steps taken by the Serbian government, the social climate in Serbia will probably carry these attributes for some time to come. Despite this, the new relations need to be built swiftly and in a gentlemanly way.
- The process of dividing the state union is the priority of the day for both successor states. In my opinion, the property relations between Serbia and Montenegro are in principle transparent and the process largely depends on good political will. I would like to emphasise that property shares are of a lesser value than the political value of privileged bilateral relations and, in this respect, I would like to express my hope that both parties will proceed in the spirit of this idea when dividing their property. We should not forget that privileged bilateral relations between Serbia and Montenegro will eliminate the extremist nationalist forces in both countries, strengthen the democratic pro-European tendencies and reinforce political stability.
- How should the international community react in this situation? It should approach both countries according to their own merits and avoid making any artificial reciprocal conditions – this is my recommendation.
- The current atmosphere in Serbia is not good. The suspension of the SAA negotiations, the stagnation of the co-operation with the ICTY, the departure of Montenegro, and the anticipation of the inevitable resolution of the Kosovo issue have caused enormous apathy, pessimism and expectations of the worst among the Serbian public. The democratic forces are disoriented and the non-governmental sector appears to be non-existent. Under these circumstances, I have already heard voices that if the integration of Montenegro is too fast this could “irritate” Serbia and make the already bad situation even worse.
- Such opinions must be rejected. No one can seriously believe that we can help Serbia by hurting Montenegro. The very opposite. Let’s observe the principle that every country, in line with the regatta principle, can progress as fast as it is able to meet the requirements. Let Serbia as well as Montenegro benefit from their success and pay for their mistakes. But none of them should pay for the mistakes of the other – that would be just contradictory to the principles on which the integration of Central and Eastern European countries into the EU and NATO was built.
- In this sensitive stage, we must not forget about Serbia – we can all agree on that. It really is in a difficult situation – to a great extent, this is its own fault – but let’s come

clean on this – this is also a result of the often not very sensitive attitude on the part of the international community. Serbia is the largest country of the Western Balkans and without a stable, democratic and prospering Serbia, we cannot even think about a stable Balkans. Those informed about the discussion among EU foreign ministers on the topic of Serbia at the recent European Council know that their presentations were dominated by a strong willingness to help Serbia. I am personally concerned that our awakening has arrived too late and that we may be slightly hypocritical when we criticise today's Serbian reality which we ourselves have helped create, in particular by exerting insensitive pressure and placing more and more requirements on Serbia. In other words, the international community itself has often unnecessarily cut off its escape routes. It seems that now we have the will but there are objective barriers putting limits on it – Mladic is free, the resolution of the Kosovo issue is being planned, there is a lack of preparedness for significant facilitation of the visa regime. The effort to see open issues individually, without seeing their interconnectedness, has led us to a vicious circle that is very difficult to break without breaking some of the principles that we ourselves have set out in the past.

- Serbia wants a partnership and we should be prepared to provide it. A partnership that will clearly demonstrate our motivation and support, one that will take the complexity of the issues faced by Serbia into account, a partnership that will have clear rules and principles and will be attractive for both parties. Serbia must feel that the EU is sincere towards it and the EU must feel that this sincerity is not being misused. Let's try to help Serbia wherever we can help it. Let's use the instruments that we have at hand, let's strengthen the pro-European forces within Serbian society, let's endeavour to revive the internal political discussion on the current issues and let's convince the democratic section of the society about our arguments and win it to our side.
- An independent Montenegro is a reality of international politics today. The key to its future success will be its ability to find a political agenda that can ensure involvement of even those voters who voted against independence on 21.05.2006. One of the primary challenges faced by Montenegro as a new state is to overcome the deep political division in Montenegrin society exposed in the referendum campaign. After the referendum, there is now room for a major political realignment in the party-system. This realignment has already begun as the parties prepare for regular parliamentary elections, due by October. In my view it is a positive process.
- Montenegro has been a successful European project since the beginning of the process of defining its legal status. It is in our interest to create conditions for the new state enabling it to show its potential and democratic capacity. Let's Montenegro not be a hostage to our internal problems and combinations. If Montenegro continues to be a success, it will be good – good for the EU which has helped create it and good for the Western Balkans region. The developments of the last decade have confirmed that the Western Balkans cannot be stabilised at once, as one whole. This region needs to be stabilised gradually, country by country, and this will depend, above all, on the effort of the local political elites and on assistance from abroad. Montenegro is a small country that can be set in motion and advance much faster than other, larger Balkan countries still carrying the burden of ethnic problems. Croatia is a successful example of this thesis. It would be great if Montenegro is the next one to achieve success, success that could have a favourable impact and positively motivate the others.

- To conclude, I would like to confirm that the prospect of European integration is a decisive driving force for all transforming countries of Europe. Therefore, this motivating factor needs to be maintained for countries of the Western Balkans, too.

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