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INSTITUTE NOTE

BALKANS: THE TRANSITION FROM A REDUCED US COMMITMENT

The 8th meeting of the Institute's Task Force on South-Eastern Europe on "The Transition from a reduced US Commitment" was held on 7 March 2003 in Paris. Although the overall conclusions listed below imply relative consensus on both sides of the Atlantic as to what needs to be done in the Balkans both in light of the forthcoming Thessaloniki Summit and beyond, the direct and indirect effects of the Iraq situation are nevertheless present. Some comments on the assassination of Zoran Djindjic are woven into the text.

PRINCIPAL FINDINGS

A general conclusion was that there is consensus across the Atlantic with regard to what Western policy towards the Balkans should be – stabilisation and eventual integration into the European Union (and NATO). For the United States, at least in the words of the State Department official present at the meeting, the US is committed to helping Europe succeed in the Balkans and assuring that ESDP does not fail. In order to get there, persisting problems of rule of law, organised crime and irredentism (Albanian, in particular) need to be addressed.

In terms of contentious issues, there are basically three areas where divergences across the Atlantic appear in contrast to a relatively consensual approach to dealing with the Balkans. These are the role of the ICTY in policy formulation, the final status of Kosovo, and the EU's operational ability to eventually take the reins from SFOR in Bosnia-Herzegovina.

- **ICTY conditionality**

The divergence concerning the ICTY does not concern its mandate to try accused war criminals. Rather, the concern is over whether it should be used as an instrument of policy by the United States and the European Union to ensure that the states of the Western Balkans do not deviate from the task ahead. It is in particular in Kosovo that the ICTY issue becomes relevant, in that if it were to indict some of Kosovo's political elite for their guerrilla activities during the Kosovo campaign as such, this could lead to civil disobedience. For this reason, the European Union is rather reticent to call for more high-profile indictments. For the United States, war crimes seem to be a higher priority as the emphasis is on lustration. The example used is the effect Milosevic's indictment had on Serbia in opening up its political system. For the EU, its policies are based on Balkan states meeting EU standards (such as functioning

democracy, rule of law, human rights and a functioning market economy) rather than being reduced to negative conditionality, which is the US approach. In other words, the EU wants to avoid giving the impression that conditionality is limited to cooperation with the ICTY.

- **Kosovo's status**

The concerted campaign by the Serbian government led by its late reformist Prime Minister Zoran Djindjic calling for the immediate resolution of Kosovo's status had complicated the "standards before status" approach propounded by UNMIK head Michael Steiner and supported by the EU Council. The problem with the Serb campaign was twofold: it aimed to bolster Djindjic's nationalist credentials in his perennial battle with Vojislav Kostunica in light of the forthcoming Presidential elections sometime later this year and it openly proposed a federal formula for Kosovo (division along ethnic lines). As a consequence, the Albanian side found itself unprepared and unwilling to effectively respond, given that they have not budged from their maximalist position for independence and the international community found itself confronted by a number of headaches: trouble brewing in southern Serbia as some Albanians there seem willing to take up arms again to fight the Serbian authorities and the negative impact of the ICTY indictments of Kosovo Albanians.

It remains to be seen whether Djindjic's heirs will follow the same policy vis-à-vis Kosovo. If they do, the fear is that the Serbs and the Albanians will make a deal regarding Kosovo's status along the lines of partition which will counter EU policy (multiethnicity) and interests in the region and could have destabilising consequences for FYROM, and even Bosnia-Herzegovina, as it might legitimise claims for the redrawing of borders in the region.

In other words, the issue of Kosovo's final status needs to be resolved before the United States departs from Kosovo, given the leverage the United States has on Kosovo Albanians and on Serbs (NATO conditionality for Serbia's eventual participation in PfP and MAP). Also, a US presence is considered vital should ICTY indictments touch higher profile Kosovo Albanian political elite.

The differences across the Atlantic have to do with the process towards Kosovo final status negotiations. For the EU, the "standards before status" approach is perceived to be the beginning of a process, as is dialogue between Belgrade and Prishtina on issues other than final status. On the other hand, for some Americans (and European analysts), it is time to begin thinking about how a decision on Kosovo's final status will be made. It should be noted that those unwilling to consider a more proactive approach by the international community are concerned that the poor economic indicators for Kosovo have hurt UNMIK's credibility and that local political élite could be tempted to deflect attention from the economy to the status issue. As a consequence, the risks of provocation between Serbs and Albanians are bound to increase.

- **The EU's operational ability and NATO's role.**

As the final details of an EU military mission in FYROM are being completed on the basis of the 'Berlin-plus' arrangements between the EU and NATO, attention is turning to EU plans to lead a military mission in Bosnia-Herzegovina following SFOR. For the United States, the Copenhagen declaration by the EU to begin considering the takeover of SFOR in Bosnia came as a surprise and there is some hesitancy as to how the transfer will take place. This is due to the difficulties in working out the procedures between the EU and NATO for the FYROM mission and the fact that it is still too early to draw any conclusions as to the EU's operational performance.

From the discussions one can conclude that NATO has no intention of leaving Kosovo for the time being, and that it will continue to play a key advisory role in FYROM once the EU takes over. The same would apply to Bosnia-Herzegovina should the EU take over at some stage. Another issue discussed was the future presence of US troops in the Balkans (in countries like Romania and Bulgaria) based on geostrategic considerations that have nothing to do with the Balkans per se.

- **Enlargement**

The issue of ‘enlargement fatigue’ concerned policy-makers before the current Iraqi crisis raised the spectre of putting on hold enlargement to the Balkans for a while. While this issue is not one that reflects differences between the EU and the US, it was discussed as a very real problem for the European Union, as more than ever the credibility of the EU’s enlargement perspective becomes important given Croatia’s recent application and FYROM’s stated intention to apply later this year. In this context, the conclusions of the June Thessaloniki Western Balkans Summit need to reaffirm that enlargement is an EU priority.

CONCLUSION

Though there was consensus that over the last three years (since the end of the Kosovo campaign), the EU has been relatively successful in stabilising the Balkans, there is a need to substantiate the objectives of integration and to work hard in ensuring that unresolved issues do not impede further progress. There is an ambiguity, though, about the US role, in that its perceived detachment could be double-edged. On the one hand, we find ourselves in the middle of a transition from the United States to the European Union as the key guarantor of the region’s stability and political future. On the other hand, the EU’s intentions to operationally apply its untested ESDP in the region raise concerns that it might not necessarily be up to the challenge. In other words, the EU seems too ambitious while the United States is too detached due to a lack of high-level focus from it on the region. Also, the international context and the fallout from the current transatlantic crisis over Iraq raise questions as to the enlargement calendar and commitment by member states, which creates further uncertainty as to how to proceed in the immediate future.

The same applies to the regional context as evidenced by the assassination of Zoran Djindjic. The chronic instability in the region was very much a concern even before this latest tragedy. There is reason for optimism that the reform process will continue due to the number of young reform-minded, pro-Western ministers in Serbia’s government. On the other hand, the assassination questions whether the Serbian authorities are in full control of the country’s affairs. In other words, there is a question about the viability of rule of law in today’s context given the absence of a national leader of Djindjic’s calibre who can hold the country together. As a result, the amalgam of vested interests from the *ancien régime* in the police, armed forces and the intelligence services, a relatively powerful irredentist movement, and organised crime syndicates could all attempt to profit from further instability in Serbia today. The assassination has harmed Serbia’s road to normalcy and the region’s stability. The Thessaloniki Summit, therefore, becomes even more important in reaffirming the EU’s political commitment to the region.

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