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SERBIA: AT THE GATES OF EUROPE?

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Abstract:

On March 1st the European Union accepted Serbia's request to be a candidate for membership of this organization. This document analyses the advantages that this incorporation will bring for both parties as well as the difficulties that the process of adhesion will encounter, which is expected to be long and demanding.

Keywords:

Serbia, Balkans, Yugoslavia, European Union, Kosovo.

The dreams about building a great Serbia are gone. The Balkans have a European future and Serbia is at the doorstep of the European Union. Europe is the economic solution for the countries that once belonged to the former Yugoslavia; there is no other possible horizon. The question is whether, in the current context of European crisis, the admission of countries with battered economies is still a valid horizon, not because it is not strategically convenient, but because Europe cannot afford it.

The Serbian economy has not yet recovered from the sanctions imposed by the UN from 1992 to 1995 and from the infrastructure damages caused by NATO's 1999 bombings; it is currently subject to market swings and it is highly dependent on foreign investment. The unemployment rate is very high, and so are the levels of corruption.

But Serbia is not just a country with a struggling economy; it is also a country with a serious open conflict: Kosovo. By accepting Cyprus, with its territorial dispute with Turkey (which invaded part of the island in 1974), the European Union has learned the lesson and does not want to adhere further non resolved land disputes nor frozen conflicts.

Serbia's conflict with Kosovo, a Serbian province that self-declared its independence back in 2008, has been and still is the main difficulty for the acceptance of the Serbian candidacy, despite the two war criminals, Ratko Mladic and Goran Hadzic, having been handed over to The Hague Court of Justice,. Since then, Serbia has been reluctant to accept the integration of Kosovo in the regional and international institutions. Besides, Belgrade is supporting parallel structures in the North of Kosovo, where the biggest part of the population is Serbian, in order to render ineffective Pristina's control of the area. For Serbians, Kosovo is their holiest and richest province and they thought it was protected under Resolution 1244. This independence is supported by the United States and the great European powers, but it is not approved by other nations such as Russia, China and Spain. Despite this support, the situation is still unsatisfactory and is highly unstable for the Balkan region.

For some detractors of the *de facto* independence of Kosovo, it could be considered, even if it has been classed as a *sui generis* case which cannot be extrapolated to any other situation, as a positive precedent for the achievement of future independence processes such as those in Palestine, Nagorno-Karabakh, Ossetia, Transnistria, Sahara, Cyprus and Taiwan, and therefore, the potential armed conflicts derived from them. Europe has not reached a consensus: 22 out of the 27 EU members recognise the self-declared independence of Kosovo.

Germany, France and the United Kingdom were the first countries to recognise Kosovo as an

independent country. The countries not recognising Kosovo are, at this stage, Spain, Cyprus, Greece, Slovakia and Romania. All these countries have, within their frontiers, groups that yearn for independence, but in all cases, the argument put forward has been that this independence process breaches the international legal order.

Although Serbia made its application to enter the EU in 2009, the status of candidate country was not granted until March 1st. The granting of this status was due in December, 2011, but last summer's conflicts on the border crossings North of Kosovo motivated Germany's insistence, which clearly stated "Kosovo or Europe", at least, in order to put off the decision. At that time the door was not shut, but the three following conditions were given for the acceptance of the candidacy in March.

The first and most important condition was to reach an agreement allowing Serbia and Kosovo to sit together at regional meetings without Kosovo having to be represented by the United Nations administration (UNMIK). The name that Kosovo was to bear was an significant issue to discuss, after the lesson learned from the conflict between Greece and Macedonia¹. Kosovo wanted to call itself: "Republic of Kosovo", but Serbia thought this unacceptable and suggested its representation be called: "Kosovo" with an asterisk, referring to Resolution 1244 that gives jurisdiction of the province to the UN. This agreement, achieved with European mediation, will allow Kosovo to take part with its flag in regional forums under the name "Kosovo", with a note referring to Resolution 1244 and also to the advisory opinion of the International Court of Justice requested by Serbia in 2010, which states that Kosovo's declaration of independence is not illegal.

The second condition has been the implementation of joint border controls in order to prevent the repetition of last summer's conflicts that caused the death of a Kosovo Albanian policeman and left dozens of Serbian and NATO personnel wounded.

The third and last condition has been that Serbia has to cooperate actively with the EULEX, the European Union Rule of Law Mission in Kosovo, and with the NATO peace-keeping force KFOR.

As these conditions have been performed, the acceptance of Serbia's candidacy puts the country in the same group as Macedonia and Montenegro, eager to take the next step into

¹ Greece rejects the use of the name *Macedonia* as it is also the name of the historic Greek region. On a provisional basis, it is accepted, after the engagement of both parties in 1993, the use of *Former Yugoslav Republic Of Macedonia* (FYROM). This terminology conflict has meant the rejection of the entry into NATO and into the European Union, of which it is a candidate country since 2005.

the member states of the EU, in which Slovenia is already a member, and to which Croatia also aspires as of July 1st, 2013. For Croatia, the process has taken a total of 9 years and it can be considered successful, unlike Turkey, which started the process at the same time, but which has hardly moved forward because of its conflict with Cyprus, among other reasons.

CONCLUSIONS

The first step for the integration of Serbia into the European Union has already been taken, and it represents an important stabilising factor in the Balkan region which, having suffered the bloodiest conflicts on European ground since the Second World War, has fallen into the deepest poverty.

Before the next step, many things can happen. However, the EU may, for the moment, block this and other candidacy processes in order to leave the door open to the Western Balkan countries - a door which, at this stage, the political forces prefer remain closed - at least until the economy is more propitious.

Furthermore, in the specific case of Serbia, it is highly probable that its fate will look more like Turkey's than Croatia's, and that, throughout the entire process, which will undoubtedly be long, we will hear more than once: "Kosovo or Europe". Serbia cannot give up on Kosovo, the cradle of its nationhood. Many of the holiest religious monuments for Serbian people are located in that province. Kosovo's partition, joining thus the northern regions, in fact under Serbian control, to Serbia, and dividing them from the rest, was the least difficult decision for Serbia to accept. However, it has recently been given up by the current President, Tadic, in favour of the acceptance of its EU candidacy, as he did not have the support of Germany, nor of the United States nor the majority of the other EU members for fear of inspiring other attempts to redefine other frontiers in that area on an ethnic basis.

Given this situation, the candidacy for the integration of a country such as Serbia, with a "frozen" conflict, is expected to remain for some years, no fewer than 8 or 10 in the best case scenario, at the gates of the European Union. Meanwhile, Europe, as the best mediator, with the essential support and engagement of the USA, faces the challenge of achieving a more ambitious negotiation between the parties in order to resolve urgent problems such as the improvement of their relationships, the autonomy of Northern Kosovo and the protection of Serbian orthodox monasteries.

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