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THE PLACE OF THE WESTERN BALKANS IN THE EU'S EXTERNAL RELATIONS¹

With Kosovo's declaration of independence on 17th February 2008, the Western Balkans² (WEB) has become headline news again in the media worldwide. Against this background it is not irrelevant to examine the role the region plays in the external relations of the European Union (EU), so that one may see the 'bigger picture' and become able to evaluate recent events – such as the deployment of the 'rule of law' ESDP-mission called EULEX Kosovo; or signing of the Stabilisation and Association Agreements (SAAs) with Serbia and Bosnia-Herzegovina – in context. All the more so, since the fate of Kosovo undoubtedly has an impact on the stability and future of the region as a whole. The basic argument of this paper is that the WEB region constitutes a very special case for the EU and requires unique and creative solutions to be applied by the integration if it wishes to keep its reputation as an exporter of stability. Thus the present study is structured as follows: first we examine what factors and specific characteristics make the WEB-region a 'special case', after that we take a look at the economic and political relations between these two 'blocks' and finally formulate some suggestions regarding the future.

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² Throughout this study the notion of Western Balkans refers to the republics of the former Yugoslavia except for Slovenia (Croatia, Bosnia-Herzegovina, the former Yugoslav Republic of Macedonia –throughout the study referred to as 'Macedonia' –, Montenegro and Serbia, for the time being together with Kosovo), but including Albania.

I. THE WESTERN BALKANS AS A ‘SPECIAL CASE’

In many respects the WEB region constitutes a special case not only for Europe, but basically for the whole international community as such. In the following pages we will only focus on the special features the region shows in light of the EU’s enlargement. Since the recent enlargement encompasses specialities from the Union’s side as well as from the side of the applicant states, it is useful to group these unique characteristics according to their ‘place of origin’.

I.1. The ‘specialty’ of the ongoing enlargement – a view from ‘inside’

The countries of the WEB are the only remaining states in Europe that have been offered membership perspective and at the same time wish to join the integration¹. This sentence in itself indicates that the actual enlargement process² to embrace these states will be quite different than the previous ones. First of all, it implicitly means that the ‘EU-side’ of the process is more crowded than ever before. 27 extremely diverse Member States need to find a common ground and articulate their common position *vis-à-vis* the individual countries of the WEB, who also show significant diversity as regards living standards, size, number of population, etc.³. And the ‘EU-side’ becomes even more crowded, if one considers that during the whole of the enlargement process the European Commission and the European Parliament also play their roles, which of course varies depending on which phase the enlargement process of a

¹ The second part of the sentence refers to the EFTA-countries (Norway, Iceland, Switzerland and Liechtenstein), about which there is basically consensus that they could join the integration practically any time they wished to, and as well-functioning democracies already deeply embedded to the common market would certainly receive a warm welcome, not least out of financial considerations. Basically exactly the opposite could be said about European countries located eastwards of the EU (Belarus, Ukraine, etc.), where part of the society wishes to see their state as an EU-member, but the integration was reluctant to commit itself for a European perspective of these countries. So for the time being one can say that the ‘borders of Europe’ lie in the WEB.

² Here the notion ‘enlargement process’ refers to the process that started with the Feira summit (2000) offering these countries the perspective of EU-membership and will come to an end if and when the last country of the region becomes an EU-member state as well. The notion of ‘integration’ of WEB states into the EU is used in a different – although naturally interconnected – meaning, referring to the ties between these countries and the EU becoming stronger. In the economic sense of the word, it refers to the EU playing an increasingly important part in the economies of these states (and to some extent *vica versa*), from a legal point of view it means the harmonisation of national legal acts to the *acquis*, from a political point of view it means the spread of values upheld by the European Union such as democracy, respect for human rights, etc. Obviously we can only talk about full integration once these states are not only admitted to the Union, but also manage to become highly functional within that environment, asserting their interests, mastering the rules of the game within the EU and use the opportunities offered by the membership to their full extent. In this sense ‘integration’ carries both a ‘narrower’ and a ‘broader’ meaning than that of ‘enlargement’. Naturally full integration will only come around years after having acceded to the EU, so for the time being, when the end of the enlargement process cannot be clearly seen, we must confine ourselves to the narrower meaning of the word.

³ Tables summarizing the most important characteristics of the WEB-countries can be found in Annex I.

particular country is in¹. To complicate the picture even further, we can note that since – at least for the time being – there is a high chance that not all the WEB-countries will join in the same time, those countries not managing to get included in the first round of enlargement will face an even more cumbersome entry-process² where the actual negotiations are carried out by a Council Presidency representing 29, 30 or even more Member States³.

Regarding the problems inherent in the size of the integration (as regards the number of Member States), we can mention another problem, namely the more and more obvious and pressing need for the integration's internal reform (one might even say a 'thorough overhaul'), regarding its institutional structure and decision-making mechanisms. Without this exercise carried out by the integration, there is not much hope for the countries of the WEB to be let on board. But as it is widely known, it is far from being an easy task, and what makes it even harder is that the more Member States the integration has, the more pressing the need for institutional reform becomes and at the same time the harder it is to come to an agreement. In my opinion we can only hope that the integration has not yet passed the 'point of no return' in the sense that the application of the old mechanisms coupled with the increased number of Member States makes it virtually impossible to devise new and more effective ways of decision-making.

In this respect the Lisbon Treaty⁴ approved by the European Council in October 2007 offers some hope for a better functioning EU also making room for the WEB-countries within the integration, but we need to keep in mind firstly that – as the fate of the Constitutional Treaty showed – the approval of a treaty does not automatically lead to its coming into force, and secondly that some of the most important reforms are set to come into force only around the middle of the next decade, a delay reflecting the political realities in the EU, but also being a potentially disadvantageous solution. Whereas a thorough analysis of the Lisbon Treaty cannot be given here⁵, we

¹ The roles the different institutions play are set out in the Treaty and are dealt with in detail in – among others – (Blahó (ed.), 2004; Horváth, 2007; Leonard, 2005) Here it suffices to say that the whole process can be extremely complex and painfully cumbersome, to which we can only add that the growing role played by the European Parliament – while it may enhance the democratic oversight of the process – will in all probability increase the complexity of the issue.

² The hardships of getting the Member States to agree on the pace and geographical scope of a given enlargement process were already obvious in the case of the 'Eastern enlargement' when the then-EU15 failed to draw up a precise and clear roadmap to those countries waiting to be let in right at the beginning of the whole process. The way the EU decided to start the accession negotiations with Croatia in 2005 gave an even clearer indication that the inclusion of new countries as Member States will prove to be a rough ride for both the integration and those wishing to join.

³ Considering several rounds of enlargements, we also need to note that each round will make the functioning of the European Commission more cumbersome as well, although in this respect we need to note that provided the Lisbon (or 'Reform') Treaty comes into force, the number of Commissioners will fall to two-thirds of the Member States from 2015 on, which has the potential of making this institution's functioning smoother.

⁴ As hinted earlier – in footnote Nr. 3 –, the Lisbon Treaty is also known as Reform Treaty. For the sake of simplicity, throughout this paper we refer to this document as Lisbon Treaty.

⁵ For a brief overview as well as for the complete text of the treaty, see the Schuman Foundation's relevant website (<http://www.robert-schuman.eu/tout-comprendre-sur-le-traite-de-lisbonne.php>).

may draw attention to the Treaty's most important novelties regarding the enlargement process. In this respect two points merit mentioning, the first being that for the first time in the history of the integration, reference is made (in article 49) to certain accession criteria¹. The aforementioned article is rather of political – as opposed to practical – significance in the sense that joining the EU has never been unconditional, and since the Copenhagen summit of 1993, the integration has a set of vaguely defined, but nevertheless explicitly stated criteria.

The same article introduces another novelty into the EU's enlargement process by stipulating that besides officially handing in their application for membership to the Council, would-be members need to inform the European Parliament and the national parliaments of their intention to join. Although these institutions do not yet play a significant role regarding the acceptance of this request (the Council still deciding unanimously), this development underlines the point made earlier, i.e. that during the enlargement process the role of the institutions may change, making the whole procedure more complex. Furthermore it is not hard to predict that with the next Treaty-modification – hopefully taking place after the whole WEB-region joined – the EP is set to obtain a veto-right regarding the applications in the framework of the assent² procedure.

There is another factor in connection with the aforementioned problem of the need for institutional overhaul influencing the process of the enlargement in the WEB, namely the so-called 'enlargement fatigue'³ the EU is said to be experiencing. Regarding our topic and the enlargement to the WEB as a special case, we can say that this 'enlargement fatigue' has serious consequences for the countries concerned, regarding both the time and the content, the framework of the process. Regarding the time-dimension, the 'enlargement fatigue' means that the EU needs time to 'digest' or – to say it in a more sophisticated way – 'fully integrate', or 'accommodate' its 12 newest members before it could move on and engage itself into another round of enlargement. Of course the question of what constitutes a 'digestion' of these members cannot be answered by unambiguous terms and exact definitions, in this sense it only depends on the EU itself. As far the content or the framework is concerned, we can say that the 'enlargement fatigue' and the experiences of the 'Eastern enlargements' make the EU employ stricter monitoring, tougher checks and controls as before, as was already seen in the case of the 2007 enlargement, where serious safeguard-clauses were included into the accession treaties of Bulgaria and Romania (Art. 36-38 of the re-

¹ Notably applicant states must respect the Union's core values, which are set out in Article 2 of the Treaty and are as follows: '(...) respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.'

² To be called 'consent procedure' after the entry into force of the Lisbon Treaty.

³ In my opinion the notion 'enlargement fatigue' is far from suitable to describe the present situation. Fatigue as such occurs after having done some exhausting job, whereas the problems the EU is facing now in connection with this so-called 'enlargement fatigue' originate from the precise lack of having this exhaustive job (i.e. real preparation for the enlargement, including the reform of the institutional system and decision-making mechanisms) done. In this context I believe the expression 'enlargement hangover' (referring to irresponsible behaviour that often includes absorbing a heterogeneous set of drinks) describes the current situation better.

spective Acts of Accession)¹. The introduction of benchmarks into the accession negotiations is a clear sign of stricter monitoring.

In connection with the ‘enlargement fatigue’, we can also note another important factor that seems to hinder the WEB’s European integration, namely the lack (but at least falling) of support among the societies of the EU regarding further enlargements². In order to evaluate the significance of this data, it is important to note that support for the enlargement has not been much higher in the case of the Eastern Enlargements either: taking the time between 2000 and 2003, the responding data fluctuated between 44 and 52%, with only 47% in 2003 (Commission, 2004: 75). In the light of these numbers, we can say that public rejection is rather a very useful tool in the hands of those political elites throughout the Member States that wish to slow down the integration of the WEB, than an actual obstacle. The convenience of these figures for the politicians of EU Member States lies in the fact that they can put the blame for opposing progress on their people, without reflecting too much upon whether or not they should engage in public debates or organise information campaigns highlighting the benefits that could be gained from deeper and more organic integration of the WEB, a region usually associated with negative stereotypes like corruption, organised crime, aggressive nationalism, etc.³.

But the enlargement process in the WEB is not only made harder than all the previous ones by the sheer size of the integration itself and the volatile support for it within the Member States. One needs to note that the integration is also constantly – albeit with varying intensity – deepening, i.e. the *acquis communautaire* grows in size and complexity – a fact partly also reflected in the number of negotiation-chapters applicants need to cover⁴ –, giving harder times to those wishing to join the Commu-

¹ In this sense of course the effect of the ‘enlargement fatigue’ on time and content cannot be separated from each other, since tougher monitoring also contributes to the prolonged time of the whole process. I separated these two in the main text to signalise that after including 12 new member states into its structure, the EU would inevitably plead for some time, regardless of the actual level of ‘integration-maturity’ of the new members. As was the case when already during the Austrian presidency (first half of 2006) debates about the ‘absorption capacity of the EU’ and the borders of ‘Europe’ were heated up. Since the new members turned out to be not that prepared for membership after all, the instruments of tougher monitoring came handy for slowing down the pace of the process on the one hand and to indicate the EU’s determination on ensuring ‘quality-level enlargements’ in the future.

² According to the latest Eurobarometer issued in November 2007, overall support for further enlargement was 49% in the EU27, but behind this average we see great differences between societies. From the point of view of the WEB-countries, the most worrying data might be that among the countries whose population is the least supportive of enlargements, one can find all the ‘big countries’ of the EU, with support for further accession reaching 48% in Italy, 41% in the UK, 34% in Germany and a mere 32% in France. (Commission, 2007a: 188-191)

³ In this respect the Commission’s enlargement strategy issued in 2006 does not justify high hopes, since it emphasises many times (Commission, 2006a: 3, 5, 8, 13-14, 21) that it is basically the task of the governments in the Member States to inform their public about the advantages of enlargement. The enlargement strategy that appeared a year later (Commission, 2007b) seems to reflect a more promising approach insofar as it puts slightly more emphasis on the role of European institutions in ensuring better communication.

⁴ For the sake of comparison: those that joined the EU in 2004 and 2007 had 31 chapters to cover, whereas Croatia needs to negotiate its way through 35.

nity¹. And although temporary exemptions can be asked for during the accession negotiations, knowing that these requests will need to be agreed to by all the 27 – or even more – member states, their number will with all probability be quite limited².

1.2. The ‘specialty’ of the ongoing enlargement – the ‘outside’ view

So far we have briefly discussed only those factors that make the WEB and its integration a ‘special case’ from the ‘internal side’ of the EU. But it is quite obvious and well-known that the WEB region in itself shows some characteristics that justify its unique treatment not only by the European Union, but also by the international community as such. First and foremost the weakness of the states needs to be mentioned, which is apparent in the majority of the countries, although the level of such weakness varies greatly from a stable Croatia through Bosnia-Herzegovina, a state-like entity with questionable sustainability to Kosovo, practically an international protectorate – and at the time of writing having an indefinable status of being not a province any more, but neither a state yet –. To illustrate the level of state weakness in the region, Table 1. shows the points various WEB-states gained for the year 2007 in the research carried out by the US-based think-tank Fund for Peace (2008)³. For the sake of comparison, the countries with the highest and lowest scores also appear, along with the data of Hungary.

*Table 1
‘Failed states index’ points of the WEB-countries for the year 2007⁴*

	Index point	Ranking
Albania	70,5	111
Bosnia-Herzegovina	84,5	54
Croatia	60,5	127
Macedonia ⁵	74,5	95
Montenegro	55,6	136

	Index point	Ranking
Serbia	81,1	66
Sudan	113,7	1
Norway	17,1	177
Hungary	51,2	139

The weakness of (some of) the states’ structure obviously imposes serious challenges for both sides taking part in the enlargement process. As far as the

¹ Although one may note that a change in the *acquis* in itself is not making the situation of the acceding country harder. In some cases the *acquis* is going through simplification. In this respect the Water Framework Directive can be hinted at, trying to simplify and consolidate relevant EC-legislation. To a limited extent it is also possible that the *acquis* gets changed ‘to accommodate the specific characteristics of the acceding country’ (Mayhew, 2007: 6.)

² In this respect we need to note that the *acquis* not only play an important role during the actual membership-negotiations: some approximation of local laws to European ones are required before signing an Association Agreement, so the growing complexity of the *acquis* may well present problems at a very early stage of the enlargement process.

³ For further details on how these indexes are compiled, see: http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=99&Itemid=140

⁴ Source: Fund for Peace (2008)

⁵ For the sake of simplicity, throughout this study the ‘Former Yugoslav Republic of Macedonia’ will be referred to as ‘Macedonia’.

WEB-countries are concerned, we can note that becoming eligible for EU-membership has never been an easy task even for those countries that had managed to put in place well-functioning institutions and could enjoy the benefits of (relatively) stable political situation: taking into consideration the nature and extent of the preparatory work that must be undertaken prior to accession, one can say that these are merely the most basic preconditions that need to be met in order to start on the road to membership with some hope. Reforms that are often painful for the society must be carried out, and by this we mean not only the approximation of national laws to 'European' ones, but also the successful and effective implementation of the legislation passed in the name – and for the sake – of '(re)joining Europe'. And – as noted above when referring to tougher monitoring and conditionality – the importance the EU attaches to effective implementation is set to grow, in a sense making it even harder for applicants to 'pass the test'.

Even a reform-plan elaborated to the tiniest detail has a rather high chance of failure if the institutions that need to implement its most important elements on a daily basis are weakened by corruption, nepotism, lack of transparency or the presence of organised crime, just to name a few dangerous factors often mentioned by many in the WEB-context. What we need to see here is, that although the issue of state weakness may boil down to the question of the effective functioning of state institutions – or, to put it another way to the ability of a given state to perform its basic functions –, it is far from being a mere organisational problem. It involves a whole range of social, cultural, legal, political issues, in short each and every area of life¹. It is not an exaggeration to state that previously there was no country/society from which joining the European integration would have demanded such a radical transformation in such a short time².

But the challenges inherent in the presence of state weakness not only appear in the WEB-states themselves, but they also force the EU to take on a special role *vis-à-vis* these would-be members. To put it shortly, the integration needs to undertake serious state-building activities which in many respects go well beyond the institu-

¹ That is why I believe that some of the recent claims made by the EU about Serbia being in a position to catch up with Croatia quickly contain a fundamental misunderstanding. To justify these claims, the EU points out that the state apparatus in Serbia is by far the most advanced and functional in the whole region and it is only a matter of Belgrade's political decision to speed the enlargement process up. As a Member State diplomat put it 'if Belgrade prescribes what kind of tie the major of Kragujevac is to wear, he will do it'. I myself believe it is a huge oversimplification, and if the EU considers the accession process merely to be an institutional question and a matter of political will, and forces this point of view on the applicants, the best result it could get is the transfer of the *acquis* into the national law without effective implementation. (Something the EU got by some of the Member States joined in 2004/2007) But – as pointed out previously in the main text – this road is closed in front of the WEB-states insofar as the present enlargement process is set to put more emphasis on the implementation.

² Should we wish to draw a parallel, we may think of post-war Germany as having been a country where a complete restructuring of the state needed to be carried out together with reconciliation and reintegration into the world order. But we must not forget, that this whole process took place under significantly different circumstances: the US was in a position to invest a huge amount of financial, material and political resources into the reconstruction of Germany; by the middle of the 20th century, Germany accumulated abundant experiences about the issue of public administration and knew how to run a state; and finally globalization was not as advanced in the field of world economics as it is today, just to mention the most important differences.

tion/capacity-building assistance it provided to the states in Central and Eastern Europe, where the task was to increase the efficiency of more or less functional, but nevertheless existing state structures and help the transformation of these countries. In contrast, the beginning of the recent enlargement can be dated back to the Feira Summit taking place in 2000, merely a year after the NATO-intervention in Kosovo and still before the crisis in Macedonia. At this time institutions were yet to be built up from scratch in Kosovo and were not too functional in some other WEB-countries either¹.

The unprecedented situation is reflected in the EU's unprecedented engagement. By establishing the European Agency for Reconstruction (EAR), the integration devised new ways of delivering aid². By creating, facilitating and continuously improving a Common Foreign and Security Policy, the EU acquired a tool with which it managed to take part in the resolution of the region's conflicts and mediate among the parties, at which activity – as we will see later – the integration became more and more effective to the point that it even became seriously involved in constitution-making in connection to the Ohrid Framework Agreement. Arguably the most spectacular state-building activities the EU carried out in this region were those five ESDP-missions that the Union deployed between 2003 and 2007 in Bosnia-Herzegovina and Macedonia to help these countries overcome the most important challenges they needed to face in the field of security³.

Besides –but not independently of – the presence of state weakness in the region, the second well-known 'specialty' of the region is that throughout history it was viewed as a 'powder keg' in (and sometimes of) Europe, meaning a region that is prone to wars or at least high-intensity conflicts, which carry with them the possibility of escalation that may well end up in involvement of other powers throughout Europe, or – as was in the case of the Kosovo crisis – the world. Needless to say, this 'specialty' of the region poses serious threats to Europe's security and calls for effective solution – which for the time being seems to be the inclusion of these countries into the European Union and NATO.

Although the era of territorial wars is over by now, and thus European or global actors do not intervene with the aim of acquiring direct control over the territories in the WEB, that does not mean that the region ceased to be a bone of contention in world politics. Besides the European Union, other major players of the international arena consider following – and influencing – events in this part of the world as their strategic interest too, notably Russia and the United States.

The Balkans being again a bone of contention between major powers means that the EU needs to be prepared to assert its strategy *vis-à-vis* actors of its own size, or to be more precise *vis-à-vis* actors that are in many important aspects even superior to

¹ It needs to be emphasised that despite the serious level of state weakness that characterised the region in 2000, the promise of EU-membership was not a spontaneous move from the Union's side lacking any serious considerations, but it fitted into the complex set of activities the EU has been carrying out in the region ever since the break-up of the former Yugoslavia. We will elaborate this issue in more detail when discussing political relations between the Union and the Western Balkan countries.

² We will discuss the EAR in more detail later on in the main text.

³ Out of these five missions three – codenamed Proxima, Concordia and EUPAT – took place in Macedonia, and two in Bosnia-Herzegovina – EUFOR Althea and EUPM-. Whereas the former three have been concluded, those deployed in Bosnia-Herzegovina are still ongoing.

the EU¹. And this not only presupposes a formulation of a clear and achievable strategy at the EU-level, but also political will and determination to carry it through, high level of diplomatic skills and an effective mixture of foreign policy instruments available to the integration. In short: a well-functioning EU-foreign policy, which in this sense covers a broader area than the so-called CFSP.

One may argue that in this sense the WEB region is not a unique case, since what has just been stated in the previous two paragraphs could be said about several other areas of the world, the Israeli-Palestinian Peace process or the Iranian nuclear programme being the most obvious examples. Indeed, global actors – by definition – get involved in several conflicts throughout the world. What make the WEB special from a European point of view is its geographical proximity and the fact that the events in the region have an immediate and direct effect on the integration². Therefore the stakes for the EU are very high and maybe it is not an exaggeration to state that asserting its interests here is to some extent more important than in other parts of the world.

Staying with the question of geography we can state that another special feature of the WEB region stems from the fact that it is not only close to the Union, but from 2007 on, surrounded by it. Which implies – basically by definition – that several Member States have a special interest in the region, knowing that (political, economic, social) stability in the neighbourhood is an outstanding precondition of one's own security. But besides this general recognition, some Member States also have specific agendas *vis-à-vis* the region as a whole, or *vis-à-vis* given states which may hinder or

¹ As regards the terms of military might, both the US and Russia – with their military spending around \$ 623 billion and \$ 50 billion respectively (www.globalsecurity.org) – are way ahead of the European Union as an organisation. As far as the political dimension of power is concerned, the picture is less clear: on the one hand both Russia and the US are permanent members of the UN Security Council (UNSC), whereas the EU as such is not represented there (but we need to note that according to Article 19, para. 1 of the TEU “*Member States shall coordinate their action in international organisations (...). They shall uphold the common positions in such forums. In international organisations (...) where not all the Member States participate, those which do take part shall uphold the common positions.*”), also it needs to be noted that both the US and Russia as sovereign states are in a better position to conduct a more effective foreign policy than the EU as an international organisation, which does not possess sovereignty *per se*, and where decision-making in many cases related to foreign security is hampered by the need to reach unanimity among 27 Member States. But it cannot be said that being an international organisation by definition puts the EU in a disadvantaged position compared to Russia or the US, since it also provides the EU a trump card the other players cannot match, namely the possibility of membership. The fact that the countries of the WEB region do wish to join the EU, greatly strengthens the integration's room of manoeuvre and political power. Finally as far as the field of economy is concerned, the EU clearly enjoys advantages over Moscow and Washington: even though regarding several macroeconomic indicators [e.g. GDP/capita on purchase power parity, which in the US is around \$ 46 000, as opposed to the EU with its figure of approximately \$ 32 900 (CIA; 2008)] the US is ahead of the EU, the integration is playing a much more prominent role in the economies of the WEB countries and economic ties between the EU and the WEB are stronger than those between the region and the US or Russia: for the sake of comparison, in 2006 WEB-countries conducted 59.7% of their trade with the EU25, making the integration their most important partner before Russia with 5.8% and well ahead of the USA, that ranked number 9 with 1.9% – Figures include intra-WEB trade (Commission 2007c).

² Notwithstanding of course the fact that in the age of a globalized world, geographical proximity is not always required for an event to have direct and immediate effect on a given region of the world.

facilitate the accession process. By this latter I am referring to issues like the Greek–Macedonian relationship, unsettled disputes between Slovenia and Croatia or Hungary’s policy towards Serbia, which is influenced to a great extent by the fact that Hungarian minorities live in Vojvodina. Being surrounded by the EU also means that the inclusion of this region to the common market (with its shared norms, more or less standardised rules, similar market conditions, etc.) would also bring about economic gains, that appear not only in the presence of similar regulations and an enlarged common market, but also in the fact that the WEB-region includes important transport routes towards Turkey and the Middle East.

When talking about transport routes between Asia and Europe in the beginning of the 21st century, one immediately associates to the crucial question of energy. The consolidation of the WEB-region also means safer routes for pipelines carrying oil and gas, the presence of which grows in importance if we consider that a) the EU wishes to weaken its dependency from Russian gas, b) the region of the Caspian sea is rich in energy-sources and c) the Bosphorus straits have a limited capacity for tankers. Some of the EU’s activities in the region seems to underline the importance of the role played by the Balkans regarding the Union’s energy supply, the most significant ones being the Energy Community Treaty, which established the Energy Community of South East Europe (ECSEE)¹, to which both the EU and the countries of the WEB-region are members, and which allows for free movement of gas and electricity across the states. The EU is also providing financial assistance for the establishment of pipelines, one of them being carried out by the Albanian Macedonian Bulgarian Oil Corporation, expected to be operational around 2009 (BBC, 2004)². The important role played by the Balkans in the Union’s energy supply was recently highlighted again, as Serbia sold its most important oil and natural gas company, Naftna Industrija Srbije (NIS) to the Russian Gazprom on 25th January 2008³.

Staying with maps, but this time looking at one which shows the ethnicity of the population in the WEB, we see yet another specialty of the area, namely the very high level of diversity. Although it is true that the number of homogeneous societies in today’s world can be counted in tens (most of them being small islands in the middle of an ocean), and it is also a fact that state boundaries in the wider region of Central- and Eastern-Europe have always divided people belonging to the same ethnicity, the num-

¹ The treaty came into force on 1 July, 2006. For a brief overview of the Treaty see: Friends of Europe (2006: 27.)

² It can be noted that some commentators attach such an importance to the energy-issue that consider the main aim of the NATO-intervention in Kosovo to have been to secure transport routes. (Fisher, 2001)

³ This deal – and especially its timing – neatly illustrates how intertwined issues in the WEB-region are, and how complex and multi-levelled game the ‘West’ and Russia are playing to increase their influence in the peninsula. It is not hard to see that Belgrade chose Gazprom over bidders from the EU as a ‘reward’ for Russian support on the Kosovo-issue. To this we may add that the ceremony that marked the signature of the deal took place between the two rounds of the Serbian presidential election, the first round of which was won by the more pro-Russian, nationalist Nikolic over the rather pro-European candidate and eventual winner Tadic, who was also present in the event as President of Serbia. If we consider that the overwhelming majority of business analysts takes the view that NIS was sold way below its market value, and that the selling of Beopetrol to Lukoil – another Russian enterprise – in 2003 did not turn out to be as good a deal as Serbia hoped it would, the political considerations become even clearer.

ber of peoples living in the WEB, their distribution across the area and the extent of diversity covering ethnicity, religion, language and indeed also the alphabets used, can be well described as ‘unique’. Coupled with this diversity is the historical fact that most of the peoples living in the area never (or only for brief periods of time) had the chance of living in a ‘nation state’¹ in the modern sense of the word, which is often recognised as a legitimate desire of peoples.

Thus one could also argue that the main reason of instability in the region is this historical lack of ‘nation states’, which leads to a sort of ‘delayed nationalism’ which poses an obstacle to reconciliation and lasting peace². Along this line of thought it can be said that although nationalism seems anachronistic in today’s Europe, it is understandable (or even natural) in this part of the world, taking the historical events into consideration. In connection to European integration it may also be noted that in order to successfully join an EU (arguably) dominated by Member (‘nation’) States, it is even necessary for a country to create a ‘nation state’: before trying to assert one’s ‘national’ interest, one needs not only to formulate it (which in itself is hard without a ‘nation state’ with a *raison d’état*), but create a certain level of national consensus, but at least widespread acceptance regarding the issue at hand.

The problem of ‘nation states’ is an important point where desires and realities seem to diverge, with the EU wishing to see multicultural, multiethnic societies all around the WEB, whereas the creation of a well-functioning, inclusive and tolerant state, where ‘multi ethnicity’ does not translate to mere ‘living peacefully next to each other’ achieved sometimes by varying levels of segregation and characterised by the lack of trust, seems to be impossible, at least for the time being³. In other words it is hard – if not impossible – to create a post-Westphalian state without having a Westphalian one first.

To sum up the factors that qualify the WEB as a ‘special case’ in the history of European integration, we can say that the EU faces its hardest ever enlargement/integration process, because it is extremely important for the future of the Union itself to integrate these countries, but as a precondition of this integration, the EU needs to engage in a ‘Member State-building’ exercise – to use the witty wording of the International Commission on the Balkans (ICB 2005: 29.), which poses challenges the EU (and indeed the countries of the WEB) did not need to face before. The extent of the challenges is further exacerbated by the EU’s (and the international community’s) stated aim of assisting in the building of multi-ethnic societies, not fully realised by the Member States themselves.

It is my conviction nevertheless that it is not an impossible task, but naturally some preconditions must be met, the most important of them being the EU managing to keep up its credibility. That requires clear European perspectives, ‘roadmaps’ that are acceptable to both sides and that contain clear criteria regarding when it will be possi-

¹ Due to the fact mentioned in the main text (namely that the overwhelming majority of today’s societies are heterogeneous) I prefer to refer to the notion of nation state in quotation marks.

² I consider it important to note that the lack of a modern ‘nation state’ does not in itself necessarily lead to bloody wars and more or less constant conflicts. One might just refer to the history of Scandinavia and Finland, where the presence of an independent, sovereign ‘nation state’ could not be taken for granted in most of the countries for a long time, yet they are considered to be one of the most peaceful regions in Europe, and indeed in the world.

³ The fact that many well-established democracies within the European Union has so far failed to bring around such an ideal state of affairs does not justify high hopes in this regard.

ble to a given country to take the next step on its way to joining the EU. I consider it to be extremely important, since the loss of credibility naturally erodes the power to influence events in these countries inherent in the prospect of membership, and given the still fragile situation in some of the WEB-states, it can have dire consequences. And although the acceptance and popularity of the EU among the societies of the WEB can be said to be relatively high and stable¹, one cannot overlook past experiences which show that as the date of the actual entry into the club draws closer, these figures tend to drop. If this tendency is coupled with the (perceived) weakening of the EU's commitment towards the region, the integration can well find itself in a rather uncomfortable situation with an already long-lasting enlargement process drawing even longer and frustration growing on both sides.

Unfortunately the EU's record of forming clear enlargement strategies is rather poor, as could have been witnessed in connection to the process that actually led to the eastern enlargements of 2004 and 2007, with floating of dates, ambiguous promises and confusion about the number of enlargement-rounds and the countries included in these rounds. I believe that doubts about the EU's ability to live up to its task are perfectly legitimate and justified. After all, if a Union comprised of 15 Member States failed to come up with a clear enlargement strategy and manoeuvred itself into the cumbersome process it actually embarked, how can it be expected that a Union of almost twice as many members, could manage this task better, even if we assume that the coming into force of the Lisbon Treaty may bring some improvements with it? The only hope is that the integration has learnt its lessons, and politicians realise what is at stake if the EU fails to deliver its promises towards the WEB. To be honest we need to add that actual developments do not always justify high hopes regarding the current enlargement process.

II. THE RELATIONS BETWEEN THE EU AND THE WESTERN BALKANS

After having seen why the WEB-region plays a special role in the EU's external relations and why these countries should be paid special attention to, it is worth a brief examination what kind of relations are between the two 'blocks', focusing on the fields of both the economy and of politics. Let us start with the economic relations, which are relevant for us, even if we mainly examine political issues in the present paper. First and foremost, their relevance shows in the fact that whereas in theory economy and politics can be more or less separated, in real life they are intertwined and measures aiming at increasing economic growth also serve political purposes and *vice versa*². Secondly, the European integration is often viewed by many scholars as an inter-state cooperation which is essentially economic in nature and has its most effective tools to imply compliance from the part of its partners in the realm of economics. Thirdly – in connection with the previously mentioned factors – we can say that the level and intensity of economic relations between two entities do influence their room of manoeuvre when dealing with each other and their possibilities to influence the other's actions.

¹ As an illustration, we may note that in Albania public support for EU-membership has varied between 83.9% in 2005 and 92.5% in 2006 (AIIS; 2006), in Serbia between 64% (2005) and 72% (2003), (Teokarevic; 2007) and in Croatia between 64% in 2006 and 72% in 2007 (Commission 2004; 2005a; 2005b; 2006c; 2006b; 2006c; 2007a).

² The issue of regional cooperation among WEB-states can serve as an illustration, which for the reason of this 'multi-functionality' appears both in the examination of the economic and that of political relations.

II.1. Economic relations between the EU and the WEB

Looking at the framework the EU is conducting its trade with the countries of the WEB region, we see a similar pattern to the one that characterised the relationships between the EU and the countries of Central-Eastern Europe, namely an asymmetry regarding customs duties (i.e. first the EU unilaterally opened up its markets for the WEB-countries, whereas the states in the Balkans are only needed to introduce a gradual lowering of their tariffs once they have signed their respective Stabilization and Association Agreements) and promoting regional integration amongst the WEB-states.

II.1.1 Trade in goods and FDI-flow

The most important rationale of trade liberalisation from the point of view of the economy is that trade liberalisation – both between WEB-countries and between them and the EU – creates bigger markets for exporters, thus contributes to economic growth and prosperity, which in turn creates more favourable environment for market economy and democracy, which enhances the inflow of FDI that provide not only additional resources for an economy to grow, but the presence of foreign firms contributes to structural change, increase in productivity, better management structures, lower unemployment, etc. In a WEB-context, where one is essentially talking about rather small domestic markets, increasing the market size has a prominent significance.

This all sounds marvellous, but we must not forget that all these positive effects are far from being automatic and these assumptions lie on several preconditions that need to be met before one could reap all these benefits. Just to mention the most basic ones: so that trade liberalisation could effectively translate into growing export opportunities, producers need to know about these possibilities and need to be aware what conditions they need to fulfil in order to be able to export their products to these bigger markets. If we take a look at the reports issued by Eurochambres¹ (2005), we get a sobering picture. These documents highlight the fact that the majority of producers in the WEB-countries are very badly informed about their possibilities and thus the growth-potential inherent in these agreements are not realized in full². But even if information flow would be better, there is still the question of adequate infrastructure, which in this sense refers not only to ‘basic infrastructure’ – i.e. transport, energy and telecommunication – but to the broader field of ‘business infrastructure’, which includes among others access to capital markets, presence of business centres, an educational system which is able to supply the workforce required by local entrepreneurs, etc.

Obviously the EU is providing assistance to the countries in question to meet these economic criteria, but considering the huge amount of investment needed, it can be said that the full benefit of liberalised trade will only be possible to be reached much later, especially if the EU is not ready to increase the assistance it provides for these countries. In order for market liberalisation to translate into growing export, a crucial

¹ The official name of Eurochambres is Association of European Chambers of Commerce and Industry, and according to its homepage (www.eurochambres.be) it is an umbrella organisation of 2000 regional and local chambers, representing over 18 million companies.

² What may be interesting to note is that although Eurochambres initiated a two-year long, CARDS-funded project called PARTNERS to remedy this problem in 2004, they admit that ‘In [2005] there was no progress towards closer economic relations between the EU and the Western Balkans.’ (Eurochambres; 2005: 1.)

element is in some cases also missing¹, namely exportable goods for which there are a demand abroad. The role FDI can play in boosting local economy is much more complex than that outlined in the previous paragraph, and it obviously cannot be taken for granted that the inflow of foreign capital would automatically contribute to a better functioning economy².

As regards concrete steps and actual data on trade between the WEB and the EU, the following can be said³. The EU granted autonomous trade measures to these countries in 2000 with Council Regulation (EC) 2007/2000 firstly up to 2006, and later on – with Council Regulation (EC) 1946/2005 – until 2011. Due to these measures, approximately 95% of the exports from these countries enter the EU market freely (SZEMLÉR, 2006: 24)⁴. Before the brief examination of the exact volume of trade, it is to be emphasised that statistical data in different databases vary greatly, partly due to the different methodology used, but also due to the fact that in some of the WEB-countries there is still room for improvement in the field of data collection, aggregation and evaluation⁵. In this regard it is important to note that – unless otherwise indicated – I am using the same data the European Commission uses, retrieved partly from Eurostat and partly from IMF-databases⁶.

Concerning the EU's imports from the region we can note that the volume of trade in goods increased steadily – although with varying intensity – during the period 2002–2006, reaching EUR 8.1 billion in 2006, which accounted for 0.6% of total EU-imports. The exports show bigger fluctuations, reaching its peak in 2004 at EUR 19.5

¹ Here we are referring to first and foremost Kosovo, a major export product of which is scrap metal, undoubtedly an inadequate base to serve as a foundation for an export-driven economy.

² For a comprehensive theoretical analysis on FDI see Szentes (1999.)

³ It needs to be noted that the aim of this paper is not to give a thorough analysis of the economic relations between the EU and the WEB, but to highlight the most important figures to illustrate the role played by the Union. Also it needs to be kept in mind that the economies of the WEB-states show great diversity, which has not been taken in account in the main text.

⁴ The EU has not wholly opened its markets for wine, sugar and certain fisheries products for which a preferential tariff quota applies, the export of baby beef have only become cheaper for the WEB-countries by having been exempted from the specific import duty. Regarding quotas it can be said that they are still applied regarding textiles originating from Montenegro and Kosovo. (Commission, 2007d) In this regard it is worth mentioning that the only product groups where the WEB-states managed to export over EUR 1 bn in 2006 were machinery (EUR 1,091 bn) textiles and clothing (EUR 1.088 bn) and agricultural products (EUR 1.064 bn). Textiles, clothing and agricultural products contributed over 49% of total WEB-exports (Commission 2007c). As far as the textiles from Montenegro and Kosovo are considered, we can note that after the agriculture (reaching an export value of EUR 560 million), these kinds of products were the second most important export goods of Serbia and Montenegro in 2006, totalling EUR 246 million. Agriculture and the textile industry were responsible for over 62% of the federation's exports (Commission 2007e). Taking these figures into account, we can say that the 95% that can be read in the main text refers to various types of products, but not to the value of exports.

⁵ In addition to the above mentioned reasons, we also need to know that grey or black economy also play a varying role in the economies of the WEB. So most of the data is to be taken with a pinch of salt.

⁶ Which of course might not be without mistakes either. Taking a look at the Commission's publication (2007c) one can read the following data about the WEB: its population is 21.7 million, its GDP in 2006 was EUR 55 billion, and the GDP per capita in 2005 was EUR 2. If we assume that the population was 21.7 million in 2005 as well, the correct figure would be more than 1200 times higher.

billion (2.03% of the total) and decreasing to EUR 17.6 billion (1.51%) by 2006. In this context we may also note that the share of the WEB in the EU's total import was also the highest in 2004 with 0.76%. As can be expected, seeing from the other way round, we encounter much higher figures, the EU being responsible for 59% of the total WEB-imports and 61.4% on the export side in 2006. What is remarkable in this context is, that looking back to the past, both numbers reflect a serious decrease compared to the percentages of 2002: in the case of imports it was 71.57%, with 69.1% on the export side. (Commission, 2007c)

These figures hint at the revival of regional trade which can be expected to increase even further after the coming into force of the CEFTA-Treaty (July, 2007) replacing not less than 32 bilateral free-trade agreements (Friends of Europe; 2006: 24)¹. Obviously that in itself will not necessarily lead to a further decrease of the EU-share regarding the WEB region, since we need to keep in mind firstly that the data of 2006 reflect the trade between EU25 and the WEB, excluding trade with Bulgaria and Romania [which in 2006 accounted for 3.7% and 2.4% on the import-side respectively, whereas the corresponding figure for exports were 2.0% and 1.5% (Commission 2007c)] and secondly that the conclusion and entry into force of further SAAs will create different conditions for trade between the EU and the WEB-countries. Another rather important factor influencing the trade between the partners in medium-term is that in the case of the WEB, we are talking about countries in transition, which by definition means that the success or failure of the reform-process will obviously have serious consequences on the economies of these countries. Also – as noted above – the economy does not function in isolation, but political developments may also have serious effects on the structure of an entity's foreign trade (see e.g. the already mentioned NIS-deal), both regarding its commodity pattern and the composition of the given country's main partners.

The data above illustrates that there is a substantial imbalance regarding the foreign trade in goods between the two partners, not only regarding the share and percentages – which is obvious taken into consideration the differences in size and economic power of the partners – but also regarding the value of foreign trade. In 2006 the balance of trade in goods showed a deficit in all the WEB-countries, and it is worth noting that the WEB-states were in the red not only regarding the aggregate figures, but mostly also as far as given groups of products are concerned².

The current account balance of the WEB as a whole showed a deficit of 7.6% compared to the GDP. This deficit is financed partly by FDI (the inflow of which is distributed unevenly across the region), and partly by one-sided transfers in the form of development aid, loans and money transferred home from guest-workers. Such one-

¹ In this regard we can note that some studies consider the CEFTA as being inadequate to exploit the full potential of regional trade and suggest extending the customs union to the whole region (Kernohan, 2006; House of Lords, 2006:53). While this approach may be right from the point of view of an economist, I myself consider it as an oversimplification of the issue, ignoring both the political and the technical realities and requirements regarding a creation of a customs union. In the sense that steps taken towards the formulation of a customs union may be interpreted by the WEB-states as some sort of an alternative to membership, I consider this idea as rather harmful.

² The only exceptions being Macedonia regarding its trade in textiles and clothing, showing a surplus of EUR 82 millions, and Serbia and Montenegro with a surplus of EUR 168 millions as far as agricultural products are concerned. (Commission, 2007e and 2007f)

sided transfers account for 13-25% of the GDP in these countries (NOVÁK, 2006: 10), which points to the fact that the economies of the WEB states are not yet based on a solid foundation and that the EU plays a prominent role in the economy, both as a base for guest-workers and as the largest donor of development aid.

Before turning our attention to the assistance the EU is granting to the WEB-region, we may note that to get a whole picture on the economic relations between the two 'blocks', the questions relating to the trade in services and the amount and intensity of FDI-flows would also merit some consideration. Unfortunately data available at Eurostat and at the statistical offices of individual WEB-countries do not make it possible to give an aggregate number¹, and – as referred to above – data of various research institutions vary to such a great extent that it makes the formulation of a clear picture basically impossible. For illustrative purposes and in order to get at least some sort of approximate picture, the following table summarises the amount of FDI-inflow in million euros to the WEB-countries for the years 2003 and 2004 according to various institutions. Note that these data include all the FDI, not only those capital movements that originate from the EU.

Table 2
FDI net inflow (in million euros)

	2003			2004		
	EBRD*	WiiW**	SP***	EBRD	WiiW	SP
Albania	142	183.6	158	232	309.6	269
Bosnia-Herzegovina	306	396	338	343	571.5	489
Croatia	1546	1813.5	1788	610	1003.5	989
Macedonia	77	82	84	109	124	126
Montenegro	35	63	44	44	167.3	53
Serbia	1088	626.2	1204	676	818.1	777

* *European Bank for Reconstruction and Development.*

** *Vienna Institute for International Economic Studies (Wiener Institut für Internationale Wirtschaftsvergleiche).*

*** *Stability Pact.*

¹ Regarding EU25-based FDI, Eurostat compiles data only for Croatia, Albania and Serbia and Montenegro. According to these, the stock of FDI in 2005 was estimated to be around EUR 6.6 bn, EUR 0.4 bn and EUR 3.2 bn respectively (Commission 2007g; 2007h, 2007e). Data on trade in services with the EU25 is only available for Croatia, according to which the exports of the EU25 amounted to EUR 1.7 bn and its imports to EUR 4.4 bn (Commission 2007g).

II.1.2 Development assistance

Data on development aid provided by the EU to the region is easier to measure and access, so we have more precise information on this issue. Regarding EU-assistance, we can mention that between 2000 and 2006 it was carried out mainly under the framework of the so-called CARDS-programme (Community Assistance for Reconstruction, Development and Stabilisation), for the implementation of which the EU chose a rather unique way. A brief description of this mechanism is relevant in the sense that this model was rather successful, and building on the experience gained in the WEB, the same model could be – or considered to be – used in other parts of the world, where post-conflict reconstruction, crisis-management activities are needed, and thus could effectively contribute to the successes of ESDP-operations.

The core of this model is the following. Whereas the Union in the above mentioned period financed several programmes with a regional scope (for example TACIS for the Commonwealth of Independent States or MEDA for the Mediterranean Region), these programmes were managed by the European Commission. As regards the Balkans, we can observe a setting up of a special agency (the European Agency for Reconstruction – EAR) that handled CARDS-related programmes and projects in some of the WEB-countries, notably in Serbia and Montenegro and Macedonia¹, whereas in the other WEB-states CARDS was managed by the Commission. The reason for this ‘duality’ can be explained when examining the history of the EAR. Originally – in February 2000 – EAR was set up as the reconstruction body only for Kosovo, but not soon after (by December that year) it was mandated to manage assistance programmes in the whole territory of Serbia and Montenegro. This was made possible by the fall of the MILOSEVIĆ regime. In December 2001, following the conflict in Macedonia, it was asked upon contributing to the efforts of the Union there too². Together with the widening of the geographical scope came around an enlargement regarding the content of its work, i.e. moving away from post-conflict reconstruction to providing aid to facilitate the transition-process. Besides the content and space, it is worth noting that the expansion also involved time: in the beginning, EAR was planned to be in place only for five years, but as time went on, the Council decided to keep the Agency twice, so in the end it operates until the end of 2008.

All these expansions are to a great extent due to the fact that the EAR can be regarded as a successful institution in delivering aid: by 2006 it managed to commit 85% of the budget allocated to it, and 90% of this commitment were paid³ (EAR 2007: 50.). These are much better figures than those of the Commission, which is also

¹ The HQ of EAR is in Thessaloniki and it operates through four regional offices in Belgrade, Pristina, Podgorica and Skopje. Besides an Annual Programme for the whole of the EAR, the Agency develops different action plans for these entities.

² The history also explains why its mandate was not extended further. By the turn of the century violent conflicts in other parts of the WEB have passed – and in this sense there was no need for urgent emergency intervention by the EU – and the ‘tried and tested’ mechanisms of the Commission were in place.

³ It needs to be noted that evaluation of the assistance programmes is a rather challenging task and the issue is far more complex than could be boiled down to simple numbers about appropriations, commitments and payments. For the sake of simplicity here we use the amount of money spent as an indicator, notwithstanding the fact that the correlation between the amount of money spent and the actual level of development achieved in the medium- or long-term can be rather weak.

proven by the fact that – as IOANNIDES (2007: 89) notes – upon setting up the EAR's office in Macedonia, the EU expected the Agency to deliver aid at a speed that would enable it to deal with the backlog the Commission previously accumulated.

The EAR's success can be attributed to its institutional set-up, both regarding its relations with Brussels and its operational structure. As far as the EAR's place *vis-à-vis* 'major' European institutions is concerned, we can say that although it is providing aid on behalf of the Commission and distributes money from CARDS, its work is overseen by a 28-member governing board (comprising representatives of the 27 Member State and the Commission) and it can be said that the Agency has a large room of manoeuvre when drawing up its action plans. Regarding its operational structure, the most important advantage of the EAR is, that it is basically made up of on-the-spot teams, who manage the whole project-cycle. This translates not only to fast delivery of the assistance, but also into relevant projects being carried out, since people doing the most of the planning are familiar with the situation of the beneficiaries and the specific circumstances in which projects will need to operate.

Concerning the amount of assistance under the CARDS-programme, we can say that during the 7 years of its existence, EUR 5.3 billion was allocated to carry out various programmes in the region. As far as the content of CARDS is concerned, it is not surprising that it focused on facilitating the Stabilisation and Accession process (SAP) of the WEB-countries, aiming to promote institutional, legal, social, political and economic development and good neighbourly relations¹. The distribution of the EU's financial contribution to the development of these countries is detailed in *Table 3* on the next page.

Coming to the programming period between 2007 and 2013, some changes need to be mentioned. Firstly the WEB-countries (together with Turkey) became entitled to receive assistance from the newly-established Instrument for Pre-Accession (IPA), which streamlined EU-assistance towards the region by substituting many other financial instruments candidate countries had been entitled to (like CARDS, SAPARD or ISPA). Secondly, as mentioned earlier, EAR will phase out by the end of 2008 and its tasks will be taken over by the Commission. Whereas the streamlining of the EU's pre-accession assistance programmes is a move that can be welcomed in so far as it makes the management of the funds easier and the whole system more transparent, it needs to be noted that potential candidates (which group at the time of writing includes everyone but Croatia and Macedonia) were not overjoyed upon seeing the structure of the IPA: under the new regulation out of the five components² of the new financial instruments, potential candidates are only eligible for two, namely 'Transition Assistance and Institution Building' and 'Cross-border Cooperation'. And although in the case of Macedonia for the year 2007 these two components made up 78% of the total assistance granted, in the case of Croatia the corresponding figure is as low as 42%, so more than half of the assistance was provided to the country in the framework of the last three components (Commission 2007i).

¹ For a more thorough and detailed description regarding the exact content of CARDS, see: http://ec.europa.eu/enlargement/financial_assistance/cards/index_en.htm

² 1) Transition Assistance and Institution Building; 2) Cross-border Cooperation; 3) Regional Development; 4) Human Resources Development and 5) Rural Development

*Table 3
CARDS Programme Allocation for 2000-2006 (million EUR)¹*

	2000	2001	2002	2003	2004	2005	2006	Total
Albania	33.4	37.5	44.9	46.5	63.5	44.2	45.5	315.5
Bosnia and Herzegovina	90.3	105.2	71.9	63.0	72.0	49.4	51.0	502.8
Croatia (transfer to pre-accession from '05)	16.8	60.0	59.0	62.0	81.0	-	-	278.8
Macedonia	13.0	56.2	41.5	43.5	59.0	45.0	40.0	298.2
Serbia and Montenegro ^a	650.5	385.5	351.6	324.3	307.9	282.5	257.5	2559.8
Interim Civilian Administrations	10.0	24.5	33.0	32.0	35.0	36.0	35.0	205.5
Regional	20.2	20.0	43.5	31.5	23.0	47.9	43.5	229.6
Other ^b	141.5	118.0	11.0	17.0	22.5	19.7	16.1	345.8
Macro-Financial Assistance (grants) ^c	70.0	120.0	100.0	15.0	16.0	33.0	50.0	404.0
<i>Total</i>	<i>1045.7</i>	<i>926.9</i>	<i>756.4</i>	<i>634.8</i>	<i>679.9</i>	<i>557.7</i>	<i>538.6</i>	<i>5130.2</i>
Croatia, pre-accession 2005-6						105	140	245
<i>Total including Croatia, 2005-6</i>						<i>662.7</i>	<i>678.6</i>	<i>5385</i>

Note 1: Figures include assistance from Phare and Obnova where relevant in 2000, and from CARDS 2001 and onwards.

Note 2: 2005 budget implementation: Re-use of recoveries from 2004/5, i.e. above budget allocation 2005: 6m for Macedonia, 7,5m for regional programme.

a) Includes the Republic of Serbia, the Republic of Montenegro and the province Kosovo, which is currently under UN administration. Amounts for Serbia in 2002-03 include assistance from Regional Programme for Integrated Border Management destined for the whole of FRY/Serbia and Montenegro. In 2004, 8 Mio. EUR for that purpose is shown under the regional programme.

b) Until 2001 (incl.): Humanitarian aid, Specific Measures, Rapid Intervention Operations, EIDHR and CFSP From 2001 (incl.): Administrative costs and the Western Balkans' contribution to the European Training Foundation.

c) For 2000-2002: disbursements and not commitments.

¹ Source: European Commission; http://ec.europa.eu/enlargement/financial_assistance/cards/statistics2000-2006_en.htm

As far as the phasing out of the EAR and the transfer of its competences to the Commission is concerned, we may note that this development has an ambiguous effect regarding the EU-WEB relations. Partly it is a positive sign, signalling that the situation in Kosovo, Macedonia and Serbia does not justify the presence of an agency whose main aim is to deliver aid as quickly as possible. On the other hand it remains to be seen whether the staff of Commission Delegations is prepared to take over the task of managing pre-accession funds and whether the rules and procedures applied by the Commission will not slow the process down. In this respect past experiences do not justify high hopes.

To conclude the present part of the study dealing with EU-WEB relations regarding economy, it is worth to take a look at the amount allocated to the WEB-countries under the IPA. At the time of writing, detailed data is only available up to 2011, according to which allocations are as follows:

Table 4
IPA-Assistance to the WEB-countries, 2007-2011 (million euros)¹

Country	2007	2008	2009	2010	2011
Albania	61.0	70.7	81.2	93.2	95.0
Bosnia-Herzegovina	62.1	74.8	89.1	106.0	108.1
Croatia	141.2	146.0	151.2	154.2	157.2
Serbia	189.7	190.9	194.8	198.7	202.7
Kosovo	68.3	124.7	66.1	67.3	68.7
Montenegro	31.4	32.6	33.3	34	34.7
Macedonia	58.5	70.2	81.8	92.3	98.7
Total	612.2	709.9	697.5	745.7	765.1

Obviously to evaluate the role such amounts can potentially play in the economies of the WEB-states, one needs to know some basic data on these countries, such as the size of their respective GDP or their population. For such an overview, please refer to Annex I. Generally we can say that the EU remains to be an important donor of assistance in the region, although the amount of money it is prepared to commit falls short of the WEB-countries' needs, especially in the cases of the potential candidates.

We also need to keep in mind that one may spend tremendous amounts of money under the aegis of 'pre-accession assistance' without any substantial progress regarding the living standards of the society as such, or even the size of the GDP. Ineffective usage of funds has occurred – and in fact is occurring – within the European Union itself and it remains to be seen whether the somewhat looser rules of the IPA com-

¹ In addition to these numbers, the EU has allocated EUR 728,2 million for regional and horizontal programmes between 2007 and 2011. We need to keep in mind though that Turkey is also eligible for these amounts. Source: European Commission (2007i).

pared to the structural funds can offset the inefficiency that may happen as a result of the weakness of state institutions in the Western Balkans region¹.

II.2. Political relations between the WEB and the EU

Should we attempt to summarize the EU's main political aims *vis-à-vis* the WEB-countries in one word, it would definitely be 'stabilization'. It is not only reflected in the name of the association agreements the integration is offering to these states, but also in the various kinds of intensive activities the integration has been undertaking ever since the break-up of the former Yugoslavia, both within the EU itself and also in its relations with the region.

It is not the aim of the present paper to examine what role the EU played in the history of the Balkan-crises, nor is it intended to provide an evaluation about the efficiency of the Union's external action from the 1990ies to present day. Nevertheless, a brief historical overview is deemed to be important to show that the recent enlargement process and the wider political relations the EU maintains with the countries of the region at the beginning of the 21st century form part of a wider strategy aimed to bring peace and stability to this region. One could also say that the enlargement process is a logical consequence of previous events, or in other words a 'historical necessity'.

II.2.1. The Union's reaction to the instability in the Balkans

As mentioned above, the disintegration of Yugoslavia influenced not only the EU's relations with the Western Balkans, but also its internal development. As far as the integration's own evolution is concerned, we can note that the post-Cold War turmoil, characteristic of the whole Europe east of the EU's borders played a crucial role in the creation of the Common Foreign and Security Policy, and in the formulation of the European Security and Defence Policy within its framework. And while the situation in Eastern Europe has not called for robust and spectacular interventions under the aegis of these new policies, the same cannot be said about the WEB, former, current and would-be host to six ESDP-missions². It is not an exaggeration to state that the ESDP's content, form, institutional set-up and decision-making mechanisms have been largely influenced by the given situation in the Western Balkans and by the experiences the EU has gained in this region³.

In this context we can also note that the WEB region offers an ideal⁴ training ground for the EU to test its decision-making and operational mechanisms both in Brussels and on the ground, try to improve the effectiveness of the instruments it has at its disposal to tackle post-crisis situations and enhance the coherence both within the EU (here I am referring to the so-called 'inter-pillar' and 'intra-pillar' coherence) and regarding the EU and other members of the international community, be they

¹ We will deal in more detail with the effects of the IPA's introduction later when discussing the EU-WEB political relations.

² There are three missions which ended already (Concordia, Proxima and EUPAT, all of them in Macedonia), two are ongoing (EUPM and Althea, both in Bosnia-Herzegovina) and one – in Kosovo – being prepared.

³ The growing role of civilian crisis management within the ESDP being the most obvious and spectacular example.

⁴ Considering that in the context of CFSP/ESDP one is essentially talking about crisis management, it is quite morbid to use any positive adjective. My usage of such adjectives is obviously not to be understood as expression of satisfaction.

governmental or non-governmental international organisations or individual states, both members and non-members of the integration.

To sum up the factors that qualify the WEB as an 'ideal training ground' for the CFSP/ESDP, we can say the following. First of all the EU is in a position to apply its most powerful tool in the arsenal of its instruments regarding foreign policy or external relations, namely the perspective of membership. No other instrument of other actors in the international scene can match the potential power of the promise of being let in to the European Union as full-fledged members. Secondly the geographical proximity of the area has many advantages in this respect. Not only are problems related to logistics easier to overcome, but it also implies that the EU plays an important role in basically all aspects of the economy of these countries: as a donor, as a trading partner, as a source of FDI, etc., which also increases the EU's potential ability to assert its interests and may contribute to a more favourable environment to carry out ESDP-missions.

As noted above, the geographical proximity of the area implies that many EU-members have a special interest in the region. In the context of ESDP, it translates into increasing the chance that these Member States will be ready and willing to contribute to the mission (both financially and as human resources are concerned) on the one hand, and it also means that these states may have a better knowledge, experience and understanding regarding these countries, and the EU can draw upon this intellectual base¹. Thirdly, thanks to the involvement of other international actors (most importantly the NATO and the UN), the EU can follow a step-by-step approach in the sense that it is not required to tackle all the problems all around the region, but can take on new responsibilities as it seems fit (like in the case of Bosnia-Herzegovina, Macedonia or Kosovo)². Fourthly the problems to be tackled show a great diversity from peacekeeping and law enforcement through enhancing border control to increasing the level of rule of law, just to name a few, which offer the EU a wide variety of fields to test its ability.

Taken together, these factors have contributed to a relatively favourable environment for a launch of the ESDP, which by now became the most dynamically evolving policy of the integration supplementing with varying efficiency³ the other tools applied by the EU to increase the stability of the region.

At least to the outside observer, more direct and more spectacular than the EU's internal evolution have been actions the integration eventually carried out trying to stabilize the region right from the fall of the Berlin Wall. As it is well known, during the 1990ies the Union has not been particularly effective and successful in this regard

¹ It needs to be emphasised though that the actual mobilization of the knowledge gathered in these countries during the history is far from being automatic, so this advantage is rather a potential one and its realisation depends to a great extent on the diplomatic and political skills of these 'experienced' countries.

² Obviously the picture is not that clear and simple, since the EU cannot cherry-pick from the tasks to be done and members of the international community can also put pressure on the EU to take over the tasks of certain missions.

³ Whereas the political situation in Bosnia-Herzegovina is still far away from what could be termed as 'stable', for the time being Macedonia seems to be able to position itself as a relatively stable country, also due to the three subsequent ESDP-missions deployed in the country.

– we may also classify the EU's attempts as failures¹. Upon sensing that with the change of the regimes in Eastern Europe, Yugoslavia has a potential to disintegrate, the EU's first reaction was that it tried to keep it together. Soon it realised that the former federation has already passed the 'point of no return' and its eventual dissolution was at hand, so it tried to keep this process under control partly via an agreement between the Member States that they would take a unified stance regarding eventual declarations of independence and partly via the creation of the so-called BADINTER Commission which was to examine the situation from the point of view of the international law. As is well-known, neither of these attempts worked out as planned. As the situation worsened and the war in Bosnia-Herzegovina broke out, the EU took part in the negotiation-process leading to the Dayton Agreement, and later on it has also been active in the interim international administration in Kosovo by being 'Pillar IV' of the UNMIK established by UNSC Resolution 1244. After the 1990ies, the Union took part in the hammering out of the Ohrid Agreement effectively ending the crisis in Macedonia.

As we take a look at the EU's involvement in these subsequent crises – the Slovenian and Croatian independence; Bosnia-Herzegovina; Kosovo; Macedonia –, we can observe that over the time the integration has become more active, more effective and more successful in crisis management in the WEB, in short it grew to become a considerable player in the international arena, especially in the Western Balkans². This observation underlines the point we made earlier, i.e. that the Union underwent a significant internal evolution to a large extent due to the crises in the WEB.

The importance of the region for the EU and the integration's will to influence events also figures in the high number of declarations issued by the Council in the framework of the Common Foreign and Security Policy. According to the Council's relevant homepage³, between 1995 and 2007 184 CFSP-statements were issued that dealt with the region as a whole, or with specific countries, 160 of which appeared

¹ To be fair, we need to add two things. Firstly that the EU tried all it could to manage the situation: it simply was not prepared to engage in such serious and instant crisis management activities the given situation required. I believe it is also debateable whether such a preparedness could have been expected from the integration. And secondly that in fact no other member of the international community – be it an international organisation or an individual state – has managed to come up with a formula that could have been called a sustainable solution, insofar as the Dayton Accords that ended the war in Bosnia created an entity the future of which cannot be taken for granted and even today an international special representative needs to oversee the territory and sometimes intervene; and although the NATO's intervention in Kosovo ended the violence against Albanians, the subsequent international administration failed to prevent the emergence of violence against Serbs and the whole crisis was ended without the main problem having been solved.

² As is well-known, the EU reached a unity in the Slovenian and Croatian case basically by the Member States merely following the German policy line. As far as Bosnia-Herzegovina and the Dayton peace talks are concerned, Europeans were basically sidelined by the US diplomacy and every now and then got into rather humiliating situations [for a vivid description see: Chollett (1997)]; regarding Kosovo, we can say that the EU-Pillar has reached mixed results, but the Ohrid Framework Agreement so far proved to be a sustainable compromise that facilitated Macedonia's progress on its road to the EU.

³ http://www.consilium.europa.eu/cms3_applications/applications/newsRoom/loadBook.asp?BID=73&LANG=1&cmsid=257

between 1995 and 2001. Typing the word 'Balkans' in the search engine of JAVIER SOLANA's section¹, our search results in 193 hits² between 2003³ and 2007.

When examining more recent events, we see that the integration's main aim remained constant, but the instruments it applies to reach its goals have obviously changed a bit, reflecting the significant differences between the situation characteristic of the WEB-region in its immediate post-war period and today. Since the open and large-scale violence between the peoples and republics of the former Yugoslavia has ended and the region became more consolidated, the EU's emphasis has shifted from post-crisis reconstruction to more sophisticated forms of cooperation. Nowadays the major aim of the integration is to help the transition of these countries and assist the creation of democratic systems that are stable and accepted by the society. Also to enhance the region's stability, the Union is pushing for more and more intensive regional cooperation among the WEB-countries, and we may also mention that another field enjoying priority on the EU's agenda – in line with its own security interests – is cooperation regarding justice and home affairs.

As far as the changes in the EU's instruments are concerned, we can point to at least two significant developments, namely the deployment of ESDP-missions and the prospect of membership offered to the WEB-countries. It is well-known that the most important tool in the hands of the integration to facilitate the transition process is the latter one, which can serve as an incentive for the governments of the WEB-states to implement reforms, provided the EU manages to maintain its credibility. This latter remark merits some examination, since some point to signs of the EU's commitment weakening.

II.2.2. Substantial weakening of the commitments?

A number of researchers warned of the Union's determination melting away following the latest rounds of enlargement which is said to have caused the complex phenomenon of 'enlargement fatigue' (BROWN, ATTENBOROUGH; 2007). Following this argumentation, the EU was sending signals of enthusiasm and optimism toward the WEB – culminating in the Thessaloniki Summit of 2003, which also drew up the so-called Thessaloniki Agenda – only to retreat at the European Council in Salzburg (2006) stressing the 'absorption capacity'⁴ of the integration, and with the appearance of the Commission's Enlargement Strategy for 2006–2007 which emphasised the importance of 'consolidating existing commitments' (Commission 2006a). Among the developments that could have been evaluated by the WEB-countries as disappointments, we may also mention the Berlin Declaration, which has not made too many people within the EU raise their eyebrows, but candidates and potential candidates could not help noticing that in the document no reference has been made on the enlargement.

¹ http://www.consilium.europa.eu/cms3_applications/applications/solana/solanaSearch.asp?cmsid=246&lang=EN&insite=1

² Obviously not each of these 193 documents deals exclusively or even primarily with the Balkans, since the results include all documents in which the word is mentioned. But we also need to keep in mind, that from the point of view of EU-WEB relations not only those documents may bear relevance that contain the word 'Balkans', but also those that mention certain states.

³ It is clear, that Solana has talked about the Balkans even before 2003. The reason for starting the period at this year is purely technical: the research engine offers only the most recent 200 hits.

⁴ The notion 'absorption capacity' is sometimes also referred to as 'integration capacity'.

The evaluations of these developments vary at a wide spectrum. Some regard the outcome of the Salzburg Summit as a 'breach of promise' (ICB 2006), while others call the Commission's updated enlargement strategy as a 'compromise approach that is balanced and acceptable to all sides within the Union' (EPC; 2006). Obviously the assessments of the different observers can be influenced by political motivations: impatient governments in the WEB-states may criticise these developments and in order to push for faster advancement may float the possibility of a setback in the reform process as a consequence of what they see as a weakening of the EU's commitment¹. On the other hand those defending the change of stance may downplay the possibility of such a setback, drawing attention to the fact that the notion of 'absorption capacity' has been present basically in all previous enlargements² and that the focus on 'consolidation' is a lesson learnt from 2004/2007, so if the pace of the reforms slows down, the governments in the WEB-countries are to blame.

It is my conviction that in themselves neither the notion of 'absorption capacity', nor 'consolidation', nor 'conditionality' can be evaluated as a weakening of the EU's commitments, even though they may be used to slow down the integration of the WEB-states and have the potential to cause disappointment in the region. The question is, if they actually have been used for 'pulling the brakes', or if they actually caused disappointment. Assessing such developments is obviously not an easy task and there is no indicator that could be used to prove the absence or presence of such effects in an uncontested way. Similarly to many other issues, the question of whether or not the EU's commitment has weakened towards the region or not cannot be answered unambiguously and in what follows we will find arguments both for and against.

One of the possible indicators for measuring commitment could be the amount of financial aid granted to the WEB-countries, and in this respect researchers are lucky that the Salzburg summit took place in 2006, i.e. the end of the programming period, with negotiations about the 2007–2013 budget well under way. Since the question of financial assistance granted to the WEB-countries are dealt with in more detail in the present paper when discussing the economic relations between the two 'sides', here we only note that the substitution of CARDS with IPA and the new framework in which IPA operates (namely the sharp differentiation between candidates and potential candidates) offers an argument to those who point to a weakening in the EU's commitment.

When comparing the amount of money allocated to specific countries within the framework of CARDS with those of IPA, we see that this amount has increased from EUR 534.2 million in 2006 to EUR 612.2 million in 2007, but we also need to keep in mind that contrary to 2006, in which year only the countries of the WEB-region were eligible to the assistance available for regional and horizontal programmes and macro-financing instruments under the CARDS – totalling EUR 93.5 million –, in 2007 assistance allocated to regional and horizontal programmes – totalling EUR 109 million

¹ Considering that governments usually are in a position to exert influence on the legislative work in their country (notwithstanding the fact that Bosnia-Herzegovina and Kosovo represent a special case in this regard), floating this possibility may to a some extent also be considered as a blackmail.

² In this respect not only need we note that the Union's readiness to accept new members is one of the Copenhagen criteria, but questions regarding the 'absorption capacity' already emerged as early as 1976, regarding the Greek application for membership. (Brown, Attenborough, 2007: 21-22.)

– under IPA is also open to Turkey, the single largest beneficiary of IPA. To this we can add that the share of the amount allocated to regional programmes have more than doubled, insofar as between 2000 and 2006 it was 4%, whereas for the period between 2007 and 2011 it reaches 9%. So taking everything into consideration, we cannot talk about a large increase of funds, but rather a worsening of the situation from most of the WEB-states' point of view.

Staying with budgetary questions, another issue that has had a disappointing effect in the countries waiting to be let in to the Union can be mentioned: the financial perspective covering the period 2007–2013 does not contain a heading for enlargement, so in this sense the earliest date for the next enlargement is 2014. This problem has its highest relevance in the case of Croatia, which set itself the target date for joining the club before the next EP-elections, due to be held in 2009, whereas all the other WEB-countries are expected to join the integration around the middle of the next decade. Whereas it would undoubtedly have been a great opportunity for the EU to send a very strong signal towards the WEB that it is getting itself ready for the next enlargement and prepares its budget for welcoming Croatia, I consider it an opportunity missed, but not lost¹. The mid-term review of the budget – due to take place in 2008–2009 – offers an opportunity to make room for one more country with 4.4 million inhabitants and in many respects more developed economically than Bulgaria.

What many of the critics seem to stress when arguing that the EU is not wholeheartedly supportive of its ongoing enlargement process, is the fact that so far the EU has failed to come up with an approximate date of possible accession. I believe that for the time being these criticisms are not justified. Firstly because even – potential or actual – candidates (with the exception of Croatia) so far avoided mentioning any dates. Secondly – and not independently of the silence of the candidates regarding this issue – because there is still a high level of instability in the region, and even political declarations regarding the intentions of the EU would have the potential of making the situation more complicated. And obviously should these dates in the end be missed, it would only give rise to disappointment, or – as an alternative –: should the EU turn a blind eye to the shortcomings and ignore the fact that the countries in question are not ready for membership and accept them to avoid political turmoil, the EU would make the same mistake it made in 2004/2007. Thirdly we need to note that the EU's stance regarding the eventual membership of some of the countries in Central and Eastern Europe was much more lukewarm. For example the EU refused to promise membership for Hungary even upon the signing of a Treaty of Association, whereas in the case of the WEB, it was more proactive and offered a European perspective at the Feira Summit, as early as 2000 (*nota bene* without a single SAA having been signed) and kept on reiterating its promise even in the absence of application for membership by the majority of the WEB-countries.

Besides the questions that can be interpreted as signs of weakening commitment, we can also refer to some events that took place since the Salzburg summit and seem to strengthen opposite impressions. Naturally we need to restrain ourselves to the most important ones, but these do not hint at a weakening of the EU's commitment.

¹ The fact that such a special enlargement-heading would not have meant a legal obligation by the EU to accept any new members (a fact which should have been effectively communicated towards Croatia had the EU chosen to include an enlargement-heading) only emphasises that it was indeed a very good opportunity that was missed.

Firstly it is worth noting that the Interim Agreement with Albania entered into force on 1st December 2006 and the ratification of the Albanian SAA is under way. Similarly Montenegro managed to sign its SAA on 15th October 2007, and the Interim Agreement came into force 1st January 2008; the signature of the SAA with Serbia came around on 29th April, and Bosnia-Herzegovina is set to sign its SAA on 26th May. Secondly the biggest political turmoil in Bosnia-Herzegovina since the Dayton Accords of 1995 came around in 2007 and was caused by contested actions taken by the international community's High Representative (in the same time the EU's Special Representative), MIROSLAV LAJČAK in order to break a deadlock about the country's police reform, which has been seen as a major impediment for Bosnia-Herzegovina to sign its respective SAA¹. Even though his methods may be questionable, the aim of his intervention was clearly to facilitate Bosnia's progress on its road to the EU².

Thirdly even after the Salzburg Summit and the Enlargement Strategy published in 2006, the EU was taking steps towards visa facilitation regarding the WEB-countries, reacting to a long-standing – and justified – grievance of these states. Although in this context one may also note that the EU cannot be accused of taking things hastily. Despite many have criticised the EU's visa policy towards the WEB, pointing out that it can have contra-productive effects³, Member States were rather slow to react. The wording of the Presidency Conclusions after the Brussels Summit in June 2006 (after the Salzburg of March) is far from being enthusiastic:

'The European Council is conscious that the question of visa facilitation is particularly important for the people of the countries of the region. The European Union therefore hopes to adopt negotiation mandates for visa facilitation and readmission agreements in the course of this year, in line with the common approach to the development of the EU policy on visa facilitation agreed in December 2005, so that negotiations can be concluded as soon as possible, ideally in 2007 or earlier where possible.' (European Council, 2006. Annex II.)

The 'hopes' of the EU were fulfilled, as the Council adopted the negotiation mandates in November 2006 (Council, 2006) and the Commission has managed to conclude the negotiations in the first half of 2007⁴. The aim of these agreements is to make the process of visa-acquisition easier, cheaper and faster⁵ for people living in the

¹ In fact according to a Presidency Statement it has been the only obstacle blocking the way of the SAA: 'Concerning Bosnia and Herzegovina, once there is an agreement on the police reform, it will be possible to initial the Stabilisation and Association Agreement' (Council; 2007, para. 3.) This agreement came around in April 2008.

² At this point an important remark need to be made, namely that it is highly debatable if the Union is – politically as well as professionally – right when it is promoting a unified structure for the police at the level of Bosnia-Herzegovina as a whole. (European Stability Initiative; 2007).

³ See for example the report of the ICB (2005: 12., 28-29., 33-34.

⁴ With Macedonia initialing its visa facilitation and readmission agreement on 12th April, Albania, Bosnia-Herzegovina and Montenegro the next day and Serbia managing to get to an agreement on 16th May.

⁵ Easier in a sense that – to use the wording of the Commission – from people belonging to 'certain categories (...) e.g. businessmen, students and journalists', less documents will be asked. Cheaper in a sense that unlike the 'regular' fee of visas – EUR 60 –, people from WEB-countries need only to pay EUR 35, and some 'categories of persons' will be exempted from paying this fee. Faster in a sense that the bureaucratic process will be simplified and accelerated, together with the possibility of obtaining multi-entry visas if justified. (Commission, 2007f: 3.)

WEB-countries and are seen by the EU as a step towards granting visa-free travel to the citizens of the region¹.

So all in all, we cannot talk about an absolute and significant decrease regarding the EU's commitment towards the region, but when examining the events between 2003 and 2008, we end up with a more complex picture. But – as we have seen it above – the complexity of the issue gives way to various interpretations and in the field of politics feelings and perceptions do matter. How I see it, the eventual disappointment the WEB-countries may have experienced – and to which many scholars refer to as potentially having almost disastrous effects – is due to the fact that for a long time they thought they have a clear way ahead of them towards the EU, since the integration would be ready to welcome them well before their actual accession would take place. These hopes seemed to be justified by the 'euphoria' within the EU surrounding the signing of the Constitutional Treaty, the elaboration of which lasted for several years starting already with the declaration regarding the future of the Union annexed to the Treaty of Nice in 2000.

The outcome of the referenda in France and the Netherlands put an end to these 'dreams' and forced the Member States back at the negotiating table, inevitably prompting the EU to focus more on its 'internal issues', even though – as mentioned earlier – the overhaul of the institutional system has its external implications – i.e. preparing for future enlargements – as well. In this respect it may have been a mistake made by the EU not to communicate these 'external implications' more effectively towards the WEB-countries stressing that the a major aim of the efforts put into solving the constitutional 'crisis' is to allow for further enlargements. This way the notion of 'absorption capacity' could have been given a more positive interpretation, instead of making the EU seem to become introverted.

In short, the disappointment that may have been caused around 2005/2006 has more to do with high expectations getting crushed by sobering realities than with a substantial weakening of the EU's commitment. In this respect we may also note firstly that disappointment was well felt among the EU Member States as well, and secondly that – as GYÖRKÖS (2007) points out – as the EU started accession negotiations with the 'Luxembourg Group'² of states, it was far from being prepared for the enlargement: both the institutional system, as well as the budget and the operation of common policies were yet to be adapted.

Nevertheless the question remains if the transition process in these countries eventually slowed down recently, seeing the 'enlargement fatigue' within the integration, and if public support for EU-membership in the societies of WEB-states fell as a result of a disappointment or 'breach of promise'.

Measuring the pace of reforms is a rather challenging task and one can only use indirect indicators to get an approximate picture about the speed of the transition process. Assuming that the greatest level of disappointment may have occurred in Croatia, as the country being the closest to obtaining membership, let us examine some quantitative data that more or less relate to the reform-process and the importance attached by Croatia to European integration.

¹ Regarding the issue of visas it is worth noting that visa is not required from citizens of Croatia.

² The 'Luxembourg group' consists of those '5+1' states (Poland, Czech Republic, Hungary, Estonia, Slovenia, Cyprus) that started accession negotiations earlier than the rest of Central and Eastern Europe and thus for a time could have hoped for a more diversified 'eastern enlargement' with more enlargement rounds reflecting individual merits and levels of preparedness.

One of these quantifiable data is the advancement regarding the accession negotiations¹, that started with the two-phased² *acquis* screening, lasting from October 2005 until October 2006³. As far as the first six months of the process are concerned, lasting from October 2005 until March 2006, we can say that altogether 31 screening-meetings took place (17 of them belonging to first phase, and 14 belonging to the second). That means that regarding the second half of the screening process, 35 meetings were held (16 in connection to the first phase and 19 to the second). If one assumes a weakening commitment from the EU-side and a growing disappointment regarding Croatia, one would expect a slower pace in the second half of the screening following the Salzburg summit held in March 2006. But these data seem to contradict this assumption and point to the fact that the process has eventually accelerated.

Following the screening, the next important milestone in the course of negotiations is the Council delivering its decision regarding Croatia's preparedness for the opening of negotiations or regarding the content of the opening benchmarks. This process took place between February 2006 and May 2007⁴. During the first nine months, between February and November 2006, the Council managed to reach a decision regarding 15 chapters, the same amount of chapters it delivered its decision about during the seven-month long period covering the time between December 2006 and May 2007. So we can say that although this phase saw not only the Salzburg summit, but (in November 2006) also the publication of the Commission's updated enlargement strategy, progress was gaining pace. But not only the Council showed determination about making progress: during the eight months between March and November 2006, Croatia formulated its negotiating position about seven chapters, whereas the respective data regarding the following eight months (between December 2006 and July 2007) is eleven.

It needs to be admitted that obviously these different phases of the negotiations are not independent of each other and the steps of the negotiation-process follow a strict order. Hence the increase in the speed of negotiations in a given phase is partly attributable to the simple fact that some acceleration was achieved in previous phases and it was carried over to the next phase and has less to do with 'commitment' or 'enthusiasm'. Nevertheless I consider the above mentioned indicators relevant insofar as they do not point to a setback.

Regarding the question of public support for EU-membership, we can say that the Salzburg Summit and the Commission's focus on 'consolidation' may have resulted in only a minor and temporary setback. According to data retrieved from relevant Eurobarometers, support for EU-enlargement stood at 69% in October-November 2005, from which level it fell by 5 percentage points to 64% throughout 2006, but by April-

¹ The data for the following analysis is based on an overview prepared by the Mission of Croatia to the European Communities embracing the period between October 2005 and July 2007 (2007). Since then Croatia has managed to open two new chapters on 21st April 2008, namely those relating to energy and transport issues.

² In the first phase of the screening the Commission presents the *acquis* relevant for a given 'chapter' of community law, in the second Croatia is presenting its national legislation and the level it is in line with the *acquis*. In the case of Croatia, the *acquis* is divided into 35 chapters, but screening only took place regarding 33, omitting the chapters 'Institutions' and 'Other issues'.

³ We may note that Community institutions take their summer holiday in August, so the whole process took 12 months. August is ignored throughout the analysis of negotiations.

⁴ Regarding one chapter (Fisheries), the work was still in progress in July 2007.

May 2007 public support reached significantly higher levels than before, standing at 72%. (Commission 2005c; 2006b; 2006c; 2007a)

But obviously political relations between the WEB and the EU cover more than just the EU's concept about enlargement and the progress of Croatian accession negotiations. In this respect we can note that regular high-level meetings also take place between the two blocks, at multilateral level mainly under the aegis of the 'EU – Western-Balkans Forum' established in the framework of the Thessaloniki Agenda. Bilateral contacts are provided for in the SAAs of the given countries, which also cover the field of political cooperation¹. As far as the 'EU – Western Balkans Forum' is concerned, we can note that annual meetings are held at ministerial level, basically for the purpose of reviewing progress achieved by the WEB-states on a given field and highlighting remaining priorities. Because of this characteristic, the successive statements issued by the Presidencies after the meetings show a high level of resemblance, i.e. a few positive remarks about the progress made is almost always followed by a reference to shortcomings and work to be done on a particular field. Nevertheless the wording of these statements suggests the fact that progress has been and is achieved².

One of the priority areas of political cooperation is the cooperation in the field of Justice and Home Affairs (JHA) and in connection to that the already mentioned visa policy of the European integration. It is not surprising that JHA-related issues appear so high on the agenda of the integration considering that the problems and challenges in this field cause maybe the most significant and direct threat to the Union's security. So obviously it is also the interest of the EU to assist these countries in their fight against corruption, organised crime, trafficking in drugs, weapons and human beings, etc., which it does in many levels from the ministerial level through the expert level to the field level cooperation; facilitating a wide range of instruments it has at its disposal from CARDS- and IPA-assistance aimed at capacity building of various institutions or supporting the introduction of integrated border management, through joint (Member State-candidate country) border patrols, to supporting the compilation of an Organised Crime Threat Assessment for the region via EUROPOL.

Besides these direct contacts between the governments of EU Member States and those of the WEB-countries, explicitly focusing on political cooperation between the two blocks, the integration uses other tools to reach its goals in the region, which merit a brief description. One of these tools is a financial instrument called European Initiative for Democracy and Human Rights (EIDHR), which supports NGOs active in the fields mentioned in the name of the initiative all around the world, and for which also NGOs from the WEB-regions are eligible³.

¹ It goes without saying that even countries not having an SAA in force yet (namely Serbia and Bosnia-Herzegovina) maintain bilateral relationship with the EU in the framework of which political issues are also covered. In the case of Serbia this forum is called 'Enhanced Permanent Dialogue', whereas Bosnia-Herzegovina has a 'Reform Process Monitoring' in place.

² Without going into further details we suggest comparing the Presidency Statement issued after the 2004 JHA Ministerial meeting (Council, 2004) and the one issued after the 2007 meeting (Council, 2007).

³ The rules regarding the operation of EIDHR between 2007 and 2013 are laid down by Regulation (EC) 1889/2006 of the European Parliament and of the Council.

II.2.3. The question of regional cooperation

Another tool facilitated by the EU is the active promotion of regional cooperation/integration among the WEB-states, which may serve many purposes. It is widely assumed that enhancing the level of regional cooperation will contribute to good neighbourly relations, more effective and durable solutions of problems having a cross-border dimension, an increase in the living standards, a stronger democracy and by bringing around reconciliation in the region leading to the emergence of multi-ethnic, tolerant societies. In the same time regional cooperation can be some kind of a training ground for these countries where they can learn how to cooperate with each other on a bilateral or multilateral basis before actually entering the EU.

In this context we may note that these are basically merely potential benefits that regional cooperation may bring with it: how much of these benefits will prove to be actual gains depends to a large extent on the motivations of the participating states. If the agreements aimed at facilitating regional cooperation are perceived by these countries as a result of external pressure and there is no real political will to implement them and enhance the way they function, they may not 'teach' these states to work together on a number of issues and advance good neighbourly relations. Their overarching aim will be to please the EU by painting a positive picture about the region, and the agreements will have only as much content as is required to meet this aim.

The promotion of regional cooperation among applicant states was characteristic of the EU during the last round of enlargement as well, but it is not an exaggeration to state that the Union lays far more emphasis on this issue than in previous enlargements, and it also faces more challenges, at least as far as sub-regional cooperation by individual countries is concerned. Whereas before 2004/2007 the prospect of EU-membership facilitated regional cooperation among some countries of Central and Eastern Europe, in the WEB-context it occasionally seems to strengthen forces of disintegration, an explanation of which lies partly in the number of candidates and partly – and more importantly – in the region's history. As far as the numbers are concerned we can say that, prior to the latest rounds of enlargement, there were so many countries waiting to be let in, that it perfectly made sense for the candidates to group together and distinguish themselves as a group from the rest of the applicants, especially since it was foreseeable that the EU will not take these countries on board one by one¹.

In the Balkans-context we see that individual countries – lacking a huge crowd to emerge from – tend to focus on trying to distinguish themselves from the others as such. I believe that reasons inherent in the history of the region resulting in a lack of willingness to cooperate with each other intensively do not require a detailed description. Although enmity between countries in the Central-European region has not been an unknown issue, wounds the WEB-countries have caused to each other are yet to heal. Just to mention an example, we may note that at the time being most politicians in Serbia would definitely face difficulties in explaining to his or her voters why Serbia is engaging in intensive cooperation on high policy issues with Bosnia-Herzegovina in case it is against the line taken up by the political elite in the Republika Srpska.

¹ Here we are referring among others to the establishment of the Central European Free Trade Area (CEFTA) by the Visegrád countries: besides economic considerations, a major motivation of these states was to show the EU that they are ready and able to cooperate with each other and thus merit 'special attention'.

To this we may add that the EU's enlargement policy based on 'individual merits' and – at least seemingly – building to a great extent on the principle of 'divide and rule' by organising a competition among the candidates in which for the most part the score is only known in Brussels, does make it harder for the WEB-countries to choose a suitable partner with whom they could advance faster. Just to list the most important events that took place recently and caused some surprises in the region, we can mention the following.

The decision of the EU not to start accession negotiations with Macedonia caused quite a political turmoil within the country considered to be the 'second best in the class' after Croatia. When Serbia was invited to initial its SAA, Bosnians – especially in the Bosniak-Croat Federation – were perplexed, not understanding how come that the 'guilty' get a reward whereas the 'victims' fall behind¹. As the Commission announced that it would start negotiations with Belgrade regarding visa-free travel, the Montenegrin Minister of Interior was quick to assure his fellow citizens that he is confident that Montenegrins would be the first ones to be allowed such a benefit, since the country had done everything the EU had asked for. He might be right in the end, but in this case it will be more due to the political problems within Serbia than the EU's decision based on 'individual merits'.

All these characteristics make regional and sub-regional cooperation in the Western Balkans harder to achieve and they also compel the EU to undertake a more active role in this field compared to the previous enlargement, where one could also see applicants starting sub-regional integrations more or less 'spontaneously'. In this regard we see the EU living up to this specific task. The Union made clear right from the start that it does expect the WEB-states to work together and bring around reconciliation. In the Zagreb declaration of 24th November 2000, the Union² basically made regional cooperation a precondition of joining the integration – thus 'upgrading' the Copenhagen criteria – when it stated that

*Democracy and regional reconciliation and cooperation on the one hand, and the rapprochement of each of these countries with the European Union on the other, form a whole.*³

Later on the EU played an active role in creating an overarching framework that was to advance regional cooperation, namely the Stability Pact for South Eastern Europe (SP) and played a leading role in this forum throughout SP's existence⁴. The SP was headed by a Special Coordinator representing the EU – ERHARD BUSEK – and provided a

¹ The situation has basically been the same very recently, as Serbia managed to sign its SAA, whereas the signature of the Bosnian one has to be postponed allegedly due to purely technical reasons (i.e. the EU claims not to have managed to finish the translation to all the official languages of the EU and those of Bosnia-Herzegovina).

² Formally the Zagreb Declaration is not a unilateral move by the EU, but a political document endorsed by the WEB-states as well.

³ Full text of the declaration is available at http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/zagreb_summit_en.htm

⁴ We may note that the Stability Pact for South-Eastern Europe was a second such document in the history of European integration. Previously, on the initiative of French foreign minister Eduard Balladour a 'Stability Pact for Central and Eastern Europe' was adopted in 1993 prompting the countries in Central and Eastern Europe to conclude so-called 'good neighbourly' agreements. (Delevic, 2007: 23) Whereas it proved to be a useful tool, the second Stability Pact came to play a more important role in its respective region.

forum not only for political consultations and coordination among the – over 40 – participating states and organisations, but also for negotiating bilateral free-trade agreements in the region – which (as mentioned above) have been subsequently replaced by the single CEFTA-Treaty – and establishing an integrated energy market for South East Europe. As of 2008, the SP has been transformed into the Regional Cooperation Council, which puts more emphasis on local ownership, while ensuring that the international community would keep taking part in the consultation, coordination processes.

III. THE WAY FORWARD: TIME TO CONSIDER A MINOR BIG-BANG?

As has been said many times by many people the key to the success of the Union's efforts in the region is to credibly uphold its promises regarding the eventual EU-membership of these countries. Without that, it basically loses much – if not all – of its transformative power and will fail to ensure that stability prevails in the Balkans. In what follows in this concluding part of the present paper we reflect on a possibility of a 'minor big bang' (i.e. a pattern similar to the 'Eastern enlargement' with a limited number of enlargement rounds¹) and its potential implications.

Although the idea of a 'minor big bang' has not yet appeared in any official documents of the EU, it has nevertheless been floated by some observers (e.g. SAIN LEY BERRY; 2007). Considering that a 'big bang' regarding Eastern Europe emerged only as an option around 2000, this possibility cannot be ruled out now either, and thus merits some considerations. Even more so, since taking such a route has more advantages than it had in the case of the latest enlargements. By this I am referring to the fact that a great deal of problems these countries face, especially those regarding the good-neighbourly relations, ethnicity, minorities, etc.², are extremely intertwined and have a cross-border nature. Many of them would simply disappear once the whole region is included in the EU, but before that happens, they are a threat to stability (and thus to security). If these states need to race for the EU-membership individually, there is a high risk that such issues will have a prominent place on the agenda in these countries, governments may lose sight of the bigger, overarching picture and may engage in short-term strives, making the whole integration process even more lengthy and painful. Therefore I believe the EU should give this option some consideration.

Such an approach could well fit into the EU's strategy towards this region regarding the promotion of regional cooperation: by stating explicitly that the unless some of the countries 'perform a miracle' and start moving towards the EU much faster than the rest of the WEB-states, chances are high that the region will join the integration at the same time, the EU would give these states a truly shared vision. Such a move would also increase the credibility of the EU more, than a practice where it emphasises that progress on the road will depend solely on individual merits, but in the end (after having realized that it is easier for it to keep the number of enlargement rounds as low as possible) opting for a two-round enlargement (the first being Croatia)³.

¹ According to the present situation, in the case of the WEB this 'limited number' could either be two (whereby after the joining of Croatia the rest of the WEB-countries joins the EU at the same time) or three (whereby after Croatia the remaining WEB-countries join in two waves).

² For example the questions related to the Republika Srpska in Bosnia-Herzegovina, fears from Big Albania or Big Serbia, and obviously also the question of Kosovo.

³ So also in this sense the WEB region represents a special case, because – as opposed to previous rounds of enlargements – the prospect of more countries joining at the same time may

In this respect we may also note that the current practice of the EU seems to make the 'performance of miracles' virtually impossible. A possible explanation of the decisions we mentioned earlier – and described as surprising many across the region – may be that the Union does not wish to see a very fragmented WEB insofar as the individual countries' level of integration is concerned, since allowing it would be equal to opening a Pandora's Box. If we suppose that each country's advancement toward the membership truly depends on the given country's individual merits, it would definitely result in a situation where the EU would need to admit the applicants one by one. Such a solution would not only pose technical difficulties, but could easily prove to be politically impossible to carry out: various Member States prefer the admission of various applicants and may exercise their veto-right in case their 'favourite' would be judged to be unsuitable for membership. In this sense it is easier for the EU to keep the WEB-states more or less together and since it is Brussels deciding if and when a given country is ready to advance one step further, the integration can easily do it¹.

Undoubtedly floating this option officially and adjust EU-policy accordingly requires diplomatic skills, and carrying it through in an effective and credible way needs deep commitment and a large amount of political will. It would obviously go against the EU's officially stated policy of each country advancing towards the integration according to individual merits. But in this context the question arises if during past enlargements the same approach was credibly upheld and carried through. Regarding this issue we see that the integration failed to put its stated 'individual merit'-approach through many times: Portugal needed to wait for Spain to come to an agreement with the Communities regarding some issues, and the floating and actual carrying through of the 'big bang' enlargement has caused disappointment in the 'Luxembourg group' of the Eastern enlargement. Whereas the emphasis on individual merits and own pace tries to express a fair and just approach towards the given states, in fact it is very hard for the integration to be put in practice.

An openly declared 'block-based view' may have its advantages. Right now a large amount of financial, diplomatic and human resources are facilitated by the EU – and indeed (although with varying levels of effectiveness) by the WEB-states themselves – to handle problems that would simply cease to be problems (or in some cases would lose a significant part of their importance) with the whole region joining the EU, the most important ones being the status of Kosovo or the risk of different ethnic groups breaking away from the countries they live in, and join their 'mother state'. With this I am obviously not advocating that the WEB-states should be admitted with such serious problems still unresolved. My point is rather that if these countries were offered a perspective of joint accession to the integration, they would be more motivated to work towards this common goal and it could facilitate the resolution of some of the problems they face and which indeed can only be solved by working together in shaping their common future.

contribute to quicker and easier solution of some of the major problems the whole region needs to face, instead of increasing discouragement in the applicant states.

¹ In this respect the case of Croatia seems to be an odd one out. The explanation for this lies in the fact that the method of 'keeping WEB-states together' cannot be applied without limits and realities cannot be ignored. We also need to remember that the start of the accession negotiations with Croatia was to a large part only due to the assertiveness of Austrian diplomacy threatening to veto the start of membership-talks with Turkey in case Croatia would have needed to wait for the beginning of negotiations.

I believe that an openly declared 'block-based view' in the WEB-context would yield better results than the 'traditional' approach, whereby progress is being promised based on 'individual-merits' and the absence of possible dates is considered to be an incentive and an important contribution to the effectiveness of 'conditionality', admitting that time is not yet ripe for even guesstimates about years of eventual accession. An argument in favour of the lack of dates is the assumption that certain level of uncertainty inspires increased efforts by the candidate countries, and to point out the disadvantages of being assured of entering the club by a specific year, attention is drawn to Romania and Bulgaria where reforms were seen to have slowed down and serious safety clauses needed to be inserted in the Treaties of Accession.

On the other hand I believe it was not the mere presence of a given date that caused problems, but rather the lack of emphasis by the Union about this date being conditional on progress achieved by the respective countries and the actual entry into the integration may be postponed. In other words: a lack of credibility. Standing up with more determination for the need to implement the *acquis* in these countries could undoubtedly have caused a turmoil in the short-run, so it would have been needed to be accompanied by detailed explanation of the decision regarding the postponement of the accession. This way the credibility of the EU would not have suffered a blow, on the contrary: it would have sent a strong signal to the candidates – also in the WEB-region – that the EU is ready to help overcome problems – both politically and as far as financial assistance is concerned –, has taken the necessary measures to prepare itself for welcoming new countries as member states, but it is also determined to see progress being made and committed to allow those in who show similar determination in order to enter. Instead the actual message sent sounded more like: get yourself close enough for the membership to make the EU promise a date, and if you do not manage to prepare yourself by that time, it is not a huge problem, safety clauses built into the Accession Treaty will overcome the shortfalls. I believe this way the credibility of the EU suffered a serious blow by allowing Romania and Bulgaria in, which was – and is – further exacerbated by the EU's emphasis on 'individual merits' in a sense that Croatia is in many respects more prepared for membership than Bulgaria.

Another point that needs to be raised is that when assessing the usefulness of the 'individual merits' approach and keeping the candidates in dark regarding possible dates of accession, the ultimate indicator for success is the eventual EU-membership. The approach was successful because the candidates became member states. But this way we are confusing the goals with the instruments needed to reach this goal. EU-membership is ideally not a goal in itself, but a tool to ensure successful modernisation and integration into the world economy. In this sense the usefulness of the approach based on individual merits should not be measured against the fact that a given country managed to become an EU-member or not, but a more suitable question to be asked is whether the given country was successful in transforming its economy (society, political life, etc.) to be able to reap the benefits of globalisation and to become highly functional within the integration. It is my conviction that viewed against this background, the enlargement of 2004/2007 could be evaluated as a smaller achievement compared to the situation when the only indicator for success is the eventual membership.

Organising a race among the candidates –which the EU is actually doing now – may well result in only formal transposition of the *acquis* without proper implementation and without actually preparing the economy and society of a given country to be able

to find effective answers to the challenges of globalisation. In addition, it may also worsen actual enmities between the states of the Western Balkans. Another problem of the 'individual merits'-based approach is that it is not 'individual merits'-based in the first place, insofar as progress made during a given enlargement process is not solely the result of the efforts done by the specific candidate, but can be (and is) influenced by the EU itself, as far as the milestones along the road are set by the integration and decision about when a given country can enter the next stage is taken by the EU, both in the run-up to the actual negotiations and during the negotiations themselves, which can be slowed down or accelerated. In this sense (over)emphasising the role 'individual merits' play in the process can well be considered as misleading the candidates, eventually a 'breach of the promise' and the whole process becomes less transparent and – from the applicants' point of view – more unpredictable.

I am not suggesting that such a change of the enlargement strategy would be an easy task. I am only saying that it is time for the EU to start considering such an option and its advantages, since in the medium to long term it may yield greater results than the 'traditional' method. Openly and explicitly switching to a block-based view is clearly out of the question at the moment as tensions about Kosovo's status are high and a change of policy may cause Serbia's further alienation from the EU insofar as not only do they need to 'digest' that the integration is sending a mission to the territory – which mission is already equated with occupation on posters in Belgrade –, but they would also need to accept that they would need to wait for Kosovo to get ready for membership. But the time may be right to start the reflection on the possible change of approach and influence the formation of the Regional Cooperation Council (the successor organisation of the Stability Pact) so that later on it could become a foundation for WEB-wide cooperation aimed at reaching EU-membership.

ANNEX I

Basic data on the WEB-countries and their status regarding the enlargement process

	Albania	Bosnia-Herzegovina	Croatia	Kosovo	Macedonia	Montenegro	Serbia
Territory (km ²) ¹	27 398	51 129	56 542	10 887	25 333	14 026	88 361
Population (million) ¹	3.6	4.5	4.5	2.5*	2.0	0.7	7.5
GDP/capita – PPP (\$/% of EU27 average) ¹	5500/17	6600/27	15 500/47	n. a.	8400/26	3800/12	n. a.
GDP growth (in real terms, annual % change; 2004/2005/2006) ³	5,7/5,8/5,0	6,3/4,3/6,2	4,3/4,3/4,8	2/-1/3,1	4,1/4,1/3,7	4,2/4,0/6,5	8,4/6,2/5,7
Status of the enlargement ²	SAA signed 12 th June 2006, IA in force since 1 st Dec. 2006	SAA initialled 4 th December 2007; signature foreseen to be on 26 th May 2008	Applied for membership 21 st Feb. 2003; SAA in force since 1 st Feb. 2005; Accession negotiations since 3 rd Oct. 2005	-	Applied for membership 22 nd March 2004; SAA in force since 1 st April 2004; Candidate since 16 th Dec. 2006	SAA signed 15 th Oct. 2007; IA in force since 1 st Jan. 2008	SAA initialled 7 th Nov. 2007; signed 29 th April, 2008
Major (over 4% of total pop.) minorities (% of total population) ²	-	Serb: 31; Croat: 17	Serb: 4,5	Serb: 7	Albanian: 25,2;	Serb: 32; Bosnian: 7,8; Albanian: 5	-

* Lacking reliable data figures vary to a great extent. In the main text calculations were made with a population of 2 million, for the sake of comparison the data found on the DG Enlargement's website are used here.

Sources:

- 1 CIA: The World Factbook (<https://www.cia.gov/library/publications/the-world-factbook/>); except for Kosovo and Serbia, where data was retrieved from the Commission's Enlargement website (http://ec.europa.eu/enlargement/index_en.htm).
- 2 European Commission, DG Enlargement (http://ec.europa.eu/enlargement/index_en.htm).
- 3 Candidate and Pre-Accession Countries' Economies Quarterly; January 2008.

ANNEX II

Key Dates of EU Enlargement – from January 2000 to January 2008

<i>19-20. June 2000</i>	Feira European Council; all the WEB-countries are potential candidates.
<i>24. November 2000</i>	Zagreb Summit, the SAP is officially endorsed by the EU and the WEB-countries.
<i>5. October 2000</i>	Fall of the MILOSEVIC regime.
<i>2001</i>	First year of CARDS programme.
<i>9. April 2001</i>	Signature of the Stabilisation and Association Agreement (SAA) with Macedonia.
<i>1. June 2001</i>	Entry into force of the Interim Agreement (IA) with Macedonia
<i>29. October 2001</i>	SAA signed Croatia
<i>13. August 2001</i>	Signing of the Ohrid Framework Agreement
<i>11. March 2002</i>	The first EU Special Representative (EUSR), Lord Paddy Ashdown, is appointed to Bosnia and Herzegovina
<i>1. January 2003</i>	The European Union Police Mission (EUPM) is launched in Bosnia-Herzegovina
<i>31. January 2003</i>	Launch of the negotiations for an SAA with Albania.
<i>21. February 2003</i>	Croatia applies for EU membership
<i>31. March 2003</i>	EUFOR Concordia launched in Macedonia
<i>19-20. June 2003</i>	Thessaloniki Summit, the Stabilisation and Accession Process is confirmed as the EU policy for the WEB. EU perspective for these countries confirmed.
<i>15. December 2003</i>	EUPOL Proxima launched in Macedonia
<i>22. March 2004</i>	Macedonia applies for EU membership
<i>1. April 2004</i>	Entry into force of the SAA with Macedonia
<i>17-18. June 2004</i>	European Council confirms Croatia as candidate country
<i>2 December 2004</i>	EUFOR Althea launched in Bosnia-Herzegovina
<i>1. February 2005</i>	SAA with Croatia enters into force
<i>16. March 2005</i>	EU postpones start of accession negotiations with Croatia
<i>3. October 2005</i>	Accession negotiations with Croatia launched
<i>10. October 2005</i>	Launch of negotiations for an SAA with Serbia and Montenegro
<i>20. October 2005</i>	'Screening' stage of accession negotiations with Croatia begins.
<i>24. November 2005</i>	Mandate of EUPM in Bosnia-Herzegovina extended for two years.
<i>25. November 2005</i>	SAA Negotiations with BiH are officially opened in Sarajevo
<i>14. December 2005</i>	EUPAT launched in Macedonia
<i>15-16. December 2005</i>	European Council grants candidate status to Macedonia
<i>30. January 2006</i>	CHRISTIAN SCHWARZ-SCHILLING appointed as new EUSR in Bosnia-Herzegovina
<i>10. April 2006</i>	EU Planning Team for the Kosovo Mission established
<i>1. May 2006</i>	Entry into force of the EC-Albania readmission agreement
<i>3. May 2006</i>	Negotiations with Serbia and Montenegro called off

3. June 2006	Declaration of independence by Montenegro
12. June 2006	Signature of the SAA with Albania
26. September 2006	SAA negotiations with Montenegro launched
18. October 2006	Croatia concludes the 'screening' phase of the accession negotiations
1. December 2006	IA with Albania comes into force
16. December 2006	Macedonia granted candidate status.
1. January 2007	The Instrument of Pre-Accession comes into force
15. March 2007	Montenegro initialls its SAA
18. June 2007	MIROSLAV LAJČÁK is appointed as new EUSR in Bosnia-Herzegovina
13. June 2007	SAA negotiations with Serbia resumed
18. September 2007	Signature of a visa facilitation agreement with Albania, Bosnia-Herzegovina, Montenegro, Serbia and Macedonia.
15. October 2007	SAA with Montenegro signed
7. November 2007	Serbia initialls its SAA
4. December 2007	Bosnia-Herzegovina initialls its SAA
1. January 2008	Visa Facilitation and Readmission Agreements with Albania, Bosnia and Herzegovina, Montenegro, Serbia and Macedonia enter into force; IA with Macedonia comes into force
4. February 2008	PETER FEITH is appointed as EUSR in Kosovo; the Joint Action on EULEX Kosovo is adopted
17. February 2008	Kosovo unilaterally declares independence
29. April 2008	Serbia signs its SAA
26. May 2008	Bosnia-Herzegovina is scheduled to sign its SAA.

Source: European Commission

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**HISTORICAL, LEGAL AND POLITICAL
DIMENSIONS OF THE KOSOVO CRISIS¹**

The present paper focuses on the question of the ‘Kosovo issue’ as such, and reflects upon the implications the fate of the province may have throughout the region in the short – and medium term. The coming elections in Serbia and the looming deployment of EULEX Kosovo – the largest civilian ESDP-mission the EU undertook so far – make the examination timely, and further underline the importance of the Kosovo issue. The study is structured the following way: a very brief, but nevertheless necessary historical overview is followed by a more detailed examination of the Kosovo issue from the perspective of international law. In the third part we will examine how much Kosovo can be looked upon as a unique case and what impact the province’s independence had on political developments in Serbia. We need to note that due to limitations regarding the length of the present paper, we do not deal in detail with the crisis-management activities the international community carried out on the ground. As a technical comment we may note that Roman numbers are used for annexes that belong to the recent study and Arabic ones to those documents which constitute annexes to sources referred to in the main text, i.e. Annex I contains the full-text version of UNSC Resolution 1244, and Annex 1 to UNSC Resolution 1244 refers to the general principles agreed to by the foreign ministers of the G-8 countries regarding the Kosovo crisis.

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I. A BRIEF HISTORY OF THE KOSOVO CRISIS, UP TO 1999

The author of the present paper has ambivalent feelings towards the 'historical overview'-part of various studies, since these are descriptive in nature, tend to get far too long and contain far too much information basically irrelevant concerning the core topic of a given study. Nevertheless I have chosen to include such a sub-chapter to the recent paper. Not because knowing the history of the issue is of utmost importance, and misunderstanding – or misinterpreting – the nature of the conflict can lead to grave mistakes being made: that is true to all types of conflicts, not just those that occur in the field of international relations. The reason for having such an introductory part is that – at least in my interpretation – the history of the crisis has been largely ignored by the international community in its recent dealings with Kosovo – aimed first and foremost to preserve an extremely fragile 'peace' among Serbs and Albanians –, and this ignorance – or lack of understanding – has contributed to a large extent to the failures of effective crisis management¹.

It is my conviction that a view according to which Serbs are aggressive violators of human rights and Albanians are innocent victims is misguided. Needless to say, an opposite view is just as wrong. How I see it, the 'Kosovo issue' has not started with the NATO-intervention of 1999, nor with MILOSEVIC coming to power in Serbia in 1987, nor with the change of the Yugoslav constitution depriving Kosovo of its autonomy in 1989 and 1990, but hundreds of years before all these events. And in this struggle between the Serbs (Slavs) and Albanians (Muslims) for the dominance over the territory, lasting over many centuries, both sides have long lost their innocence. However appealing the role of the victim may seem, neither of the involved sides could credibly position itself as victims of atrocities committed by the other.

So let us briefly go over the most important events in chronological order to see that here we are in fact dealing with enmities that basically date back to the ancient times, but at least to the middle ages². As with many territorial disputes, the one over Kosovo also starts with the question of who arrived to the given place first. The two 'sides' agree that the region was inhabited by the Illirians in the ancient times, the dispute in this respect is whether Albanians are descendants of them or – as the Serbians claim – arrived to the territory some time during the middle ages. While this dispute is not settled yet, we can say with relative confidence that Slavs arrived around the 5th and 6th century and gained the upper hand by the 12th: at this time the political,

¹ To illustrate the misinterpretation of the nature of conflict, we can refer to a Testimony before the Senate by Daniel Fried, Assistant Secretary for European and Eurasian Affairs saying 1) that Milosevic stripping the province of its autonomy 'sowed the seeds of the Kosovo conflict', 2) that Milosevic 'capitulated' and 3) whereas he pointed out that after the NATO-intervention Albanians returned to the province, he failed to add that at the same time many Serbs left Kosovo. (Fried, 2008a)

² It goes without saying that the Kosovo conflict has a huge literature. For those more interested in the details, see for e.g. the works of Cohen (2001), Jansen (2007), Juhász et al. (2000), King and Mason (2006), Malcolm (1999) or Vickers (1998), on which sources the recent historical overview is based. Needless to say, the present overview omits many important details and interconnections between issues and therefore for those wishing to understand the complexity of the 'Kosovo issue', further reading is highly recommended.

religious and cultural centre of the Serb Kingdom was located in Kosovo itself¹. A great deal of monasteries and orthodox churches were built in the province during the 12th and 14th centuries, and besides making Kosovo the centre of Serbian orthodox church, these sites acquired symbolic significance over time as both Serbs and Albanians engaged into a power-struggle for the dominance over the territory.

The power and influence of Serbs on the Balkans remained strong as long as the Turks had not started to realize their aspirations about creating an empire. Along the road of these empire-building exercises, one particular battle undoubtedly merits mentioning, and this is the one fought at Kosovo Polje on 28th June 1389. This clash is of extreme significance for Serbs: it is considered to be a milestone of Serbian history, and indeed forms part of their national identity, which at first sight seems to be strange, knowing that the armies of PRINCE LAZAR – which included basically all nationalities and ethnicities present in the Balkans today – are considered by the Serbs² to have lost the battle. What allows the battle of Kosovo Polje to become a central piece of Serbian identity is that Serbs do not focus on the fact of the defeat but rather see this event as an outstanding example of heroism, self-sacrifice and victimhood performed by a proud and patriotic leader who chose death rather than living with the humiliation of being a vassal to another ruler. After this battle Kosovo was occupied by the Ottoman Empire and over the time Albanians migrated to the territory in increasing numbers while more and more Serbs left towards north³, to the territory of what is Serbia today, itself under Ottoman rule from the middle of the 15th century on.

The Ottoman Empire favoured its citizens to convert to Islam, which Albanians – previously also having been Christians – were more inclined to do than Serbs, since religion tends to play a less important role in Albanian identity than in the Serbian. So from around the 14th-15th century on, the divide between Serbs and Albanians deepened by the appearance of different religions, to which we need to add that living as a Muslim in the Ottoman Empire also meant having been granted more opportunities by the state – e.g. becoming an official in the administration, not having to pay special taxes ‘infidels’ needed to pay –, so this divide is not confined to the religious field, but to other areas of life as well. In fact the Christians under Ottoman rule could rightly consider themselves as second class citizens inferior to Muslims.

Eager to get rid of the Turkish rule in 1689, Serbs rose up against them, but their revolution was quelled and due to its failure, the outflow of Serbians from Kosovo – to some extent characteristic of the region since the beginning of Turkish occupation – accelerated. The Serb uprising of 1813 and its subsequent defeat followed by retaliation had the same effects. As Serbs left, Albanians migrated into the province for various reasons. Firstly, because Kosovo is more suitable for agricultural cultivation than

¹ Hence the name ‘Old Serbia’ for Kosovo, and the expression ‘Kosovo is the heart/cradle of Serbia’

² Modern-day historians argue that this battle was more close to a draw, but nevertheless Serbs and their allies have been substantially weakened. The fact that after the battle another 70 years passed until the Turks managed to occupy Serbia also strengthens the view that the result of this particular clash was closer to a draw than to a defeat.

³ Especially as the Ottoman armies managed to gain more and more victories at the end of the 17th century. The leaving of Serbs from the territory of Kosovo at that time is also remembered as ‘the great migration.’

the mountainous Albania, secondly because the fertility rate of Albanians is traditionally much higher than that of Serbs, resulting in a higher percentage of the population being young and – to use a nowadays popular expression – more mobile.

Serbs became independent and regained control over part of Kosovo only in the late 19th century, as the result of the war between Russia and the Ottoman Empire, and managed to get the whole of the province by 1912, but it was not as straightforward as one may think. In 1877 Russia (allied with Serbs) attacked the Turks who were allied with Albanians, and as part of the countermeasures they took, drove some 30 000 Serbs out from Kosovo. In their ‘reply’ about the same number of Albanians were expelled from Southern Serbia and – as Serbia got control over the northern part of Kosovo in 1878 – later on from Kosovo proper. Meanwhile also modern Albanian nationalism was born, the first sign of it being the establishment of the ‘League of Prizren’ in 1878. The League’s major aim was to unify all the Albanians, either by forming an autonomous territory within the Ottoman Empire or by creating a separate entity. Using contemporary language, we can say that the League successfully lobbied for the Albanian cause at the great powers of that time, as 20 years later the Congress of Berlin decided to return the whole of Kosovo to the Ottoman Empire. But by this time relations between the Empire and Albanians grew tense, not least because of the unfolding Albanian nationalism which prompted the Turks to look at Albanians as a potential source of instability within their Empire. As written above, Serbia regained control over the whole territory of Kosovo in 1912. That came around with the first Balkan war, as Serbia managed to occupy the entire province, bringing an easier life for Kosovo Serbs, and – to put it mildly – making it harder for Kosovo Albanians.

The intensity of suffering Kosovo’s inhabitants needed to endure only increased during the years of World War I. Since the then-recently (i.e. in 1913) established Albania and Serbia took part in the war as members of opposing alliances (the former being on the side of the Axis powers, the latter one siding with the allies), the war-years witnessed intense fighting among these powers for Kosovo, as well as violence among the population of the province itself. As during the first years of the war the Axis powers were more successful on the battlefields in the Balkans, Serbians (both the army and a significant part of the civilian population) were pushed out from Kosovo in 1915 and Albanians took revenge for the suffering caused by the Serbs in 1912. But during a war territories tend to switch ownership quickly: in 1918 Serbians returned and this time they took their revenge on Albanians.

The harsh times Albanians had to face in the following years is reflected in the fact that in 1921 Kosovo Albanians asked the League of Nations to authorize Kosovo’s secession from the newly established Yugoslavia, claiming that the Yugoslav government centred in Belgrade is not guaranteeing the rights of Kosovo Albanians, out of whom 12 000 had been killed and 22 000 imprisoned between the 1918 and 1921. This action of the Kosovo Albanians did not yield any results, and tensions rose on both sides. The so-called Kachak Movement – seeking unification with Albania and comprising of guerrilla fighters – gained popularity in the province, which Belgrade tried vainly to serbianize by encouraging Serbs to move to the south.

To keep it short, we can say that the events of World War I were repeated during World War II, insofar as this time Kosovo was occupied by Albania (and partly by Nazi Germany) in 1941 and regained by Slavs by 1944, both occupations resulting in members of the different ethnicity killed or driven out at a large scale. In the post-war

period Kosovo's status within TITO's Yugoslavia underwent important changes over the years. If we wish to set some "milestones", we can say that between 1946 and 1967 the province's situation tended to worsen within Yugoslavia. In 1946 it was granted the status of 'autonomous region' – which in itself caused disappointment among Kosovo Albanians, who (along with ENVER HOXHA) have been promised by TITO that after the war they could unite with Albania in exchange for joining the partisans in greater numbers – but even this autonomy was reduced both by the 1953 and the 1963 constitutions. 1966 can be considered a turning point in these trends, as this year ALEKSANDER RANKOVIC, undoubtedly a hardliner of Stalinist methods fell out of power, an event that was favourable not only to Kosovo Albanians but to other citizens living all around Yugoslavia. 1969 saw the opening of the Pristina University, signalling that certain improvement for Kosovo can be reached on the field of culture and education. The peak of this evolution was the constitution of 1974, granting Kosovo the status of 'autonomous province', which meant it was almost on equal footing with the other republics within Yugoslavia, lest for the right to secede from it. 'For the record' we may also note that it was around this time that grievances about harassment and discrimination by Kosovo Albanians from the side of Kosovo Serbs intensified.

These political developments were accompanied by economic measures, which in essence meant money from other republics flowing into Kosovo – the most underdeveloped region of Yugoslavia – at an increased level. Unfortunately these revenues failed to improve the economic situation in Kosovo, since the increase in funds had not matched the growth rate of the population. These funds merely helped to prevent a significant worsening of the situation by somehow keeping Kosovo afloat, but since they had not resulted in significant increase of the living standards, nor caused the province to catch up at an accelerated rate with the rest of Yugoslavia, the more well-off republics – most prominently Slovenia and Croatia – grew reluctant over time to finance attempts aimed at developing Kosovo.

The economic situation of the province was made worse by an outflow of Serbians – mostly young and educated – from Kosovo to Serbia proper. Serbian migration has only intensified during the 1980ies, not independently of ethnic tensions rising again – which themselves of course were fuelled by the worsening economic situation. Right at the start of the decade, in 1981 large-scale riots took place in Kosovo, starting from protests organised by the students of Pristina University to improve the conditions at the University, but soon evolved into full-blown riots and demands regarding the establishment of a Kosovo Republic and eventual unification with Albania appeared. Belgrade put an end to these riots by mobilising 30 000 troops and declaring a state of emergency. Serbs in Kosovo reacted partly by leaving the province and partly by protesting themselves against what they saw as a repression by Albanians. Kosovo Serbs were encouraged by the Serbian population of the republic: the most important and (in)famous of these encouragements having come in the form of a Memorandum issued¹ by the Serbian Academy of Arts and Sciences in 1986, and by a prominent figure of the Serbian Communist Party – and from 1987 on President of Serbia – called SLOBODAN MILOSEVIC.

¹ To be precise this Memorandum was formally not issued, but rather leaked by the Academy. The full text of the Memorandum is available among others at <http://www.ess.uwe.ac.uk/Kosovo/Kosovo-Background17.htm>

During 1989 and 1990, the autonomy of Kosovo was taken away via amendments of the Serbian constitution, obviously resulting in heightened tensions between Albanians and Serbs, and accompanied by large-scale protests throughout Kosovo, dispersed by the Yugoslav police using tanks and helicopters. But the police remained active in the province even after successfully dispersing the various crowds protesting against measures from Belgrade at various times: detaining and arresting Kosovo Albanians reached such a level that it was unacceptable to some other republics of Yugoslavia and to show their dissatisfaction Croatian and Slovenian policemen were withdrawn from Kosovo. Parallel to these events Albanians working at state institutions were dismissed or ceased to be paid.

In 1990, Kosovo saw violent riots again, and a decision by the government in Belgrade to forbid the meetings of the Kosovar Parliament. This did not hinder Kosovar politicians to express their dissatisfaction: they organised a referendum within the province about whether or not Kosovo should become independent. Since Kosovo Serbs obviously boycotted the voting, the outcome of this self-initiated referendum could not be other than an overwhelming 'yes'. So members of the Kosovo Parliament proclaimed the Sovereign Republic of Kosova and subsequently approved its constitution. This may be regarded as the beginning of the creation a parallel state within Serbia with its own schools, hospitals, etc. working independently of Belgrade. All this led many in Serbia to the conviction that Kosovo Albanians cannot be looked upon as citizens loyal to the republic. This 'revelation' led to Belgrade introducing emergency measures and in stepping up efforts to re-serbianalize the province. If possible, this only strengthened the resistance of Kosovo Albanians to the Serbian rule and old proposals were floated again suggesting either the creation of a new republic within Yugoslavia, comprising all areas populated by mostly Albanians or the unification of Albanians under a single entity and thus create a 'Great Albania' in the Balkans.

The resistance to Serbian rule took two different shapes in the 1990ies, one of them – namely a more peaceful, 'passive resistance' – advocated by the late IBRAHIM RUGOVA, enjoying widespread support among Kosovo Albanians at the beginning, but sidelined later by those calling for more radical steps in order to gain independence from Serbia: the prominent figures of the Kosovo Liberation Army (KLA or Ushtria Çlirimtare e Kosovës – UÇK), among whom we find HASHIM THACI, current prime minister of Kosovo.

Open violence among the population in Kosovo appeared and began to escalate around 1993, as both Serbs and Albanians felt isolated and left alone due to their respective experiences of the wars that accompanied the disintegration of Yugoslavia. Kosovo Serbs felt to some extent betrayed by Serbia proper as they learnt how Belgrade treated the Serbian refugees fleeing from the wars in Croatia and Bosnia-Herzegovina. Kosovo Albanians on the other hand needed to realize that despite their declaration of independence and proclamation of their republic, their cause is not supported by the international community. With the desperation growing on both sides, it is not surprising that tensions rose and it was easy to predict that the situation in Kosovo would eventually blow up. Fights broke out between Serbs and the KLA and it was clear right from the start that it is a zero-sum game where the winner takes all. After having read a KLA-communication threatening with murder all those, who would settle with autonomy instead of independence, no one in his right mind could have nurtured any hopes.

Adding fuel to the fire was the chaos in Albania prompted by the collapse of pyramid schemes. A situation close to chaos and anarchy ensued in the neighbouring country, and it allowed a flood of weapons getting into Kosovo via Albania. Since these weapons were smuggled into the province in a large quantity, everyone could afford to buy one, so the membership of KLA grew significantly, along with its influence. This turn of events led to essentially a civil war characterised by violation of human rights at a large scale from both sides. Towards this the international community could not have turned a blind eye. A so-called Contact Group was established to deal with the Kosovo issue in 1998 comprising the United States, Russia, Germany, France and the United Kingdom, and the UN Security Council (UNSC) issued a resolution (1199) that called for the cessation of hostilities. For a short period of time it seemed that major powers could create an armistice in the province by the application of diplomatic pressure on MILOSEVIC to withdraw Serbian armed forces from Kosovo and let UN or NATO Peacekeepers in, in exchange for the KLA laying down its weapons and the future status of Kosovo would remain undecided. But as the Yugoslav army started to move out, KLA intensified its war efforts and the level of harassment against Serbs increased, prompting a counter-measure from the Yugoslav/Serbian side, thus the agreement failed to materialize. Renewed diplomatic efforts followed this failure, but were unsuccessful in delivering reconciliation. As a last resort, NATO started its bombing campaign on 24th March 1999, which in some sense has backfired, at least taking into account of what happened in Kosovo itself.

The major aim of the bombing was to see Yugoslavia capitulate, the Serbs stop the harassment of Kosovo Albanians and the Yugoslav army quit its fight with the KLA. But in fact neither of these events happened, and the atrocities against Albanians only intensified. Seeing that Milosevic is unwilling to give up the fight even after the threats of the bombing came true, the NATO intervention ended with a compromise, which was from a legal point of view a Military Technical Agreement. The agreement between the NATO and Yugoslavia stipulated that Kosovo will be granted 'substantial autonomy' within Serbia, but nevertheless will remain its part and sovereignty over the territory will temporarily be exercised by the international community, via the United Nations and NATO, in accordance with UN Security Council Resolution 1244¹. The United Nations Mission in Kosovo (UNMIK) has been set up to govern the province, which it has been doing with varying success.

Here we stop the historical overview, with the hope that this subparagraph managed to avoid the abovementioned shortcomings associated by the author with retrospective descriptions of various studies, but were sufficient to underline the major point, namely that both Serbs and Albanians can claim with justification that they have been victims of harassment by the other, and with this said, neither party involved could (and should) be looked upon as innocent victim.

II. THE 'KOSOVO ISSUE' FROM A LEGAL PERSPECTIVE

At the heart of the debates that heated up after the unilateral declaration of independence by Kosovo, we overwhelmingly find legal arguments, even tough – as we

¹ Since this particular resolution is of central importance, the full text of it can be found in Annex I.

have seen before – the long-lasting debate on whether Kosovo should belong to Albanians or to Serbs, is far more than a legal dispute. Before examining the arguments of the opposing sides and trying to answer the question what implications Kosovo's independence may have in the region and indeed globally, it is not irrelevant to see what international law is basically saying about the secession and disintegration of states.

The legal dimension of the 'Kosovo issue' is also undoubtedly relevant from the EU's point of view, not least because EULEX Kosovo – at least at the time of writing – seems to establish itself a dubious reputation in the history of ESDP-missions – already filled with many 'firsts' –: as things stand now, EULEX Kosovo will become the first ESDP-mission the legality – and thus the legitimacy – of which is called into question by a significant stakeholder. Furthermore, if we approve the claim that Kosovo's unilateral declaration of independence was illegal, we can say that this significant stakeholder is the host country. Needless to say, depending on what we think about the legality of this move, we will evaluate differently both the role the EU plays in the Western Balkans and the evolution and prospects of ESDP.

In case we consider Kosovo's declaration to be legal, the EU appears to play quite a positive role by granting this newborn country economic, political and technical assistance, so that Kosovo's state structures could consolidate and later on the country would be ready to join the integration. Obviously we can also add that not only the amount of the assistance allocated to Kosovo is abundant, but the support arrives to this country essentially in all forms available for the EU, underlining the integration's commitment. Shall we think that this declaration is 'null and void' – as proposed by Serbia –, we get a totally different picture, whereby the EU deploys a robust mission into the territory of another state without having permission to do so neither by the host country, nor by the UNSC. Hence the posters all around Belgrade saying: 'МИСИЈА=ОКУПАЦИЈА', i.e. 'Mission=Occupation'. From this point of view, the ESDP is transformed from a constructive – and more or less effective – tool in the hands of the integration into an instrument used for bringing around compliance with the EU's expectations via the deployment of people wearing uniform and coercing the sovereignty of the given host state. In other words, with some malice and a bit of exaggeration one can also say that with the deployment of EULEX Kosovo, the EU took its first significant step towards building an empire. Provided of course we believe that Kosovo's unilateral declaration of independence has been illegal.

To sum it up, what we need to see here is that the questions relating to the legality of Kosovo's declaration of independence and those in connection with the legality of EULEX Kosovo are far from being separated ones. In fact one can say that this is – if not altogether, but to a large extent¹ – the same issue, approached by different angles. All the more so, since the Treaty on the European Union (TEU) states that one of the objectives of the Common Foreign and Security Policy shall be *'to preserve peace and strengthen international security, in accordance with the princi-*

¹ Here we are referring to the possibility that the UNSC could make a distinction between the two issues by – for example – deciding that the unilateral Declaration of Independence has been illegal and at the very same time allowing the deployment of the ESDP-mission. Nevertheless, taking realities into account, these two cases have become intertwined and such an outcome is best to be looked at as only being theoretical.

ples of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders (Title V.; Art. 11.)

Thus, if we deem Kosovo's declaration of independence to be illegal, we may also note that EULEX Kosovo – in the absence of either a UNSC decision authorising it, or an explicit request by the Serbian government – is not only at odds with international law as such – by effectively providing assistance to a breakaway province –, but it also goes against the TEU itself.

II.1. The general legal framework of secession

It is no wonder that the legality of Pristina's unilateral declaration is so heavily debated, taking into consideration that 'the processes of states coming into being – as well as those relating to the termination of their existence – are beyond the regulatory framework of international law' (BOKORNÉ; 2003: 113.). In other words, there are no unambiguous and undisputed norms and guiding principles which could clearly answer the simple question: when is the secession of a given territory from the state it used to be part of considered being legal. In this respect, we find ourselves in a relatively clear situation in cases where the secession is based on mutual agreement and takes effect after negotiations by the involved parties. We face a similarly straightforward situation if the question is decided by an arbitrating authority, which had previously been recognised by all stakeholders to be competent. In our case we cannot talk about any of these straightforward ways, although attempts were made to reach an outcome via negotiations and there is a forum that could deliver an ultimate judgement on the issue, namely the UNSC. We will discuss later on why these methods failed.

Although the peaceful ways of 'divorce' cause far less suffering to everyone involved, and are usually not disputed by other members of the international community, they occur rather rarely and it happens more often that an entity declares its independence unilaterally, hoping that it would manage to form its own sovereign state in the short – to medium term. And this is where usually a legal chaos appears, as observers are faced with the situation where both sides use legal arguments to justify their standpoints and point to 'basic principles of international law' they are upholding with their moves, be their aimed at seceding from a state or at keeping a given territory within the borders – and under the sovereignty – of that particular state. Representatives of breakaway territories refer to the right of self-determination, whereas the original state invokes the inviolable principle of territorial integrity.

Both parties are right when they claim that these principles belong to the foundation of contemporary international law and should be upheld. On the other hand, a wide range of counter-arguments could be listed against both standpoints. Regarding the right of self-determination we can say that the exact contents of this right have not been defined so far. Furthermore, if we assume that this right includes the right to form a separate state, we need to decide whether this right is absolute (i.e. each and every ethnic nationality – or in extreme cases each and every group, irrespective of their nationality – may under any circumstances invoke it), or some requirements must be met before the given group could rightfully assert its right to self-determination. And although the inviolability of state borders is indeed one of the most important foot-stones of the international order's stability, it does

not mean that a state would be allowed to do basically everything within its borders which could never be subject to revision and thus secessionist movements would be by definition illegal.

A possible limitation of the inviolability of state borders is set out in the 'Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations', adopted by the General Assembly of the United Nations (UNGA) on 24th October 1970. Discussing the right to self-determination and its connection to the principle of territorial integrity, the UNGA notes that *'Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity of sovereign or independent states conducting themselves in accordance with the principle of self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.'* (UNGA; 1970: 4)

Hence the Declaration suggests that it is not obvious that discriminative and non-representative governments could refer to the inviolability of their international borders when opposing the will of certain secessionist movements. Although – as just seen – the principle of territorial integrity is not as an easily comprehensible notion as it first seems to be, the right to self-determination is far more complex and thus requires some examination. All the more so, since the interpretation of this right underwent serious changes during the history: HURST HANNUN for example distinguishes three phases in this process, the first one lasting between the 19th century and 1945. During this era the emphasis lay more on the 'internal side' of this right, meaning that minorities living within the borders of a given state have the right to some sort of self-determination, which could also include autonomy, but the possibility of formulating separate states was definitely not meant to be included in this right. According to HANNUN the second phase started with the establishment of the UN and lasted approximately until the end of the 1970ies. This phase was characterised by the appearance of self-determination's 'external side' – i.e. the right to create independent states-, but this possibility was granted only to those territories and peoples that had been still under colonial rule. Another important feature of this second phase as opposed to the first one was that whereas earlier this right was reserved to various national minorities, in the process of decolonisation territories became the subject of self-determination and there was no need for a common cultural background or a shared national identity. The third phase started with the end of decolonisation and lasts to present day, and its major 'specialty' is that it is the 'mixture' of previous interpretations insofar as minorities living within a state wish to exercise the 'external side' of this right. (CARLEY; 1996: 3-4.)

If and when we accept that the right to self-determination includes the right to create a separate state, we immediately find ourselves in need of answering other questions: may this right be exercised only if specific circumstances have been met (e.g. the existing state has seriously, on a large scale and on a regular basis violated the human rights of certain minorities – and if so, which forum is to decide what constitute 'serious breaches', 'large scale' and 'regular basis' –) or, irrespective of the circumstances, each and every group can invoke this right. Another dimension of the question refers to the subjects of this right, namely whether it is granted only to national minorities or even to groups whose members have nothing in common

but the desire to live in a separate – or simply in another – state¹. Whereas all these seem to be rather abstract and theoretical questions, as we will see later on, they have significant practical repercussions.

As far as I see it, whereas a radical interpretation of the right to self-determination (i.e. one which includes the right to create a separate state and can be called upon by ethnically heterogeneous groups as well) could be justified on moral grounds, taking the realities into consideration such an approach and its determined implementation would lead to an extremely fragmented world order, which would also be unstable, insofar as it would – more likely than not – lead to the creation of non-functional states. This is obviously not to suggest that the other extreme – whereby secession is not allowed at all – would be more advisable. The challenge in this question is to find a ‘golden rule’, and this challenge is made bigger by the fact that when saying ‘golden rule’ we are not to think of an explicit rule which would govern the question of secession, and by defining it all the legal implications in connection with this question would be gone. Let me briefly explain what I mean, before going into the practical implications Kosovo’s independence may have from the legal point of view.

According to HANNUM *‘Today, the goal of states should be, first, to identify and explicitly define self-determination and the criteria that determine which entities are entitled to exercise the right. Contemporary political movements that demand the right to secede have frequently resorted to violence precisely because of the confusion and uncertainty surrounding their proclaimed goal of self-determination (...).’* (CARLEY; 1996: 5) I myself do not share this view, partly because presently defining the content of the ‘right to self-determination’ would pose insurmountable obstacles to the international community, and thus would prove to be an impossible task. Needless to say, the situation is the same regarding a certain set of criteria².

So all in all, it is not a coincidence that there is no agreed mechanism about how to handle the secession of a given territory in the international law. Due to life’s high level of complexity it is impossible to create a sort of algorithm which – when applied to a given case – would tell us if a given territory’s secession is justified or not. Therefore I believe that the contents of the right in question and its possible subjects must be determined on a case-by-case basis, even if it seems to be unjust from a moral point of view.

¹ It is not the aim of this paper to dwell lengthily on such theoretical issues, therefore we will not go into details. For a detailed description of these questions see for example Buchanan (1997); for a minor addition on Buchanan’s theory see Seymour (n.a.), or Tattar (2004).

² A strict definition regarding the contents of the right to self-determination would clearly ignore the differences among various states and therefore would be unacceptable to the majority of them. Similarly the issue of criteria raises further serious challenges: not only would the international community need to agree on the exact content of notions like ‘national minority’ (which is still undefined after decades of attempts), but setting criteria by definition means drawing lines and limitations. The legitimacy of such limitations would permanently be questioned insofar as they are arbitrary (like ones regarding the number or share of people belonging to national minorities), not necessarily measurable (like ‘common cultural background’) or could be in certain cases measured ex post (like a criteria which would say that a new entity must be viable).

I myself do not necessarily agree with the second part of Hannum's thought (namely that '[c]ontemporary political movements that demand the right to secede have frequently resorted to violence precisely because of the confusion and uncertainty surrounding their proclaimed goal of self-determination') insofar as the cause for the appearance and subsequent escalation of violence may well not be the mere absence of exact definitions. I believe that secessionist movements would keep demanding independence even if an international forum would declare unambiguously that the right to self-determination does not include the right to create a separate state, and their demand would eventually lead to violence. The root of the conflict is not an unclear legal situation, but the fact that they wish to live in different states.

To conclude this overview on when a group of people may invoke their right to self-determination to an extent that amounts to the creation of a separate state, we can say that current practice of international law allows secession in specific cases if certain criteria are met. These criteria are the following: 1) the group of people wishing to secede from the state belong to the same ethnicity; 2) they not only couldn't meaningfully live with the internal side of their right to self-determination but their human rights have been violated by the state they currently belong and 3) they tried all other ways to settle this issue with their original state, but these methods failed.

II.2. The legality of Kosovo's declaration of independence

After this more theoretical overview, it is high time for us to turn our attention to the specific issue of Kosovo's independence. In this respect we can say that for a rather long time following 1999, the international community sat on a fence, unwilling to make any decision on the status of the province, or even to put it on the agenda. UNMIK was established to exercise sovereignty over the province, but as KING and MASON (2006) emphasise, it was forbidden to make any decision that could effectively influence the future status of Kosovo. In this respect the fundamental document on Kosovo, UNSC Resolution 1244 does not rule out the province becoming independent explicitly, but seems to favour either Kosovo remaining part of Serbia (called and referred to as Federal Republic of Yugoslavia¹ at that time) or a solution acceptable to both parties to be found via political, diplomatic means².

The preamble of the Rambouillet Accords³ the UNSC Resolution 1244 refers to, contains among others that the representatives of both Kosovo Albanians and the

¹ The 'Federal Republic of Yugoslavia' (FRY) is not to be mistaken with the 'Socialist Federal Republic of Yugoslavia', which ceased to exist without a legal successor, despite efforts from the side of the FRY to be recognised as such. Contrary to the case of the Socialist Federal Republic of Yugoslavia, the legal continuity between the FRY, Serbia and Montenegro and the Republic of Serbia has not been called into question.

² Since the full text of UNSC Resolution 1244 can be found in Annex I., quotations in the main text are deemed to be superfluous. Instead, references will be made to relevant parts of the Resolution, which in this case are: Preamble, para. 12 and 13; main text para 1; 4; 10; 11, point (e); Annex 1, 6th bullet point; Annex 2, points 5, 6 and 8.

³ The full text of the Rambouillet Accords is accessible at http://www.state.gov/www/regions/eur/ksvo_rambouillet_text.html. In this context we need to note that the Accords have not been agreed to by the FRY (one of the reasons international officials point to when it comes to the justification of the NATO-intervention), thus in themselves have not come to power.

FRY [recall] the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia;

and Article I. of the Accords states *inter alia* that

2. National communities and their members shall have additional rights specified in Chapter 1. Kosovo, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. **The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in Kosovo.**

6. **The Parties accept that they will act only within their powers and responsibilities in Kosovo as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void.** Kosovo shall have all rights and powers set forth herein, including in particular as specified in the Constitution at Chapter 1. This Agreement shall prevail over any other legal provisions of the Parties and shall be directly applicable. The Parties shall harmonize their governing practices and documents with this Agreement

Furthermore the Rambouillet Accords contain an interim constitution for Kosovo, according to which

'The Federal Republic of Yugoslavia has competence in Kosovo over the following areas, except as specified elsewhere in this Agreement: (a) **territorial integrity**, (b) maintaining a common market within the Federal Republic of Yugoslavia, which power shall be exercised in a manner that does not discriminate against Kosovo, (c) monetary policy, (d) defense, (e) foreign policy, (f) customs services, (g) federal taxation, (h) federal elections, and (i) other areas specified in this Agreement. (...)

The Government of the FRY will maintain official border crossings on its international borders (Albania and FYROM). (...)

The Federal Republic of Yugoslavia shall be responsible for the collection of all customs duties at international borders in Kosovo. There shall be no impediments to the free movement of persons, goods, services, and capital to and from Kosovo.' [all emphasis added.]

The emphasis these provisions put on the territorial integrity of the FRY seem to underline the impression that at this time the international community wished to grant independence to Kosovo only if such a 'divorce' is based on an agreement mutually acceptable to both parties. Keeping in mind what was previously said about the role Kosovo plays both in Serbian and in Albanian history – and indeed identity – hopes for such an agreement can well be classified as amounting to over-optimism. Nevertheless, however hopeless it would have seemed to come to a mutually acceptable solution via negotiations, it is obvious that trying to get the parties involved to reach a compromise must be a first attempt in settling the issue.

Nevertheless I do consider them relevant since UNSC Resolution 1244 explicitly refers to the contents of the Accords.

After some hesitation about when these ‘status talks’ shall begin¹, and not without any reservations², on 24th October 2005 the UNSC decided that these negotiations shall commence. To give these talks some chance to succeed, Belgrade and Pristina were assisted by UN special envoy MARTI AHTISAARI as a mediator. As is well-known, the AHTISAARI-plan – presented in March 2007 – recommending ‘supervised independence’ for the province with enhanced protection of minority rights has not been accepted by Belgrade and could not have been adopted by the Security Council, since in case of a vote, Russia would invoke its right to veto the proposal. So neither of the ‘straightforward solutions’ outlined at the beginning of the previous subchapter – namely a consensus reached by the parties involved or arbitration by a third party accepted by the opposing sides –, could be applied.

Nevertheless, after the failure of the AHTISAARI-plan, negotiations re-started in August 2007, although with even less chance for a success: since the United States made it clear, that for its part it would recognise an independent Kosovo as a sovereign state, even if Pristina declares itself independent unilaterally, Kosovo Albanians saw no reason for settling with less than independence. On the other hand, Belgrade could easily oppose the province’s independence, knowing very well that it has the backing of Moscow, and the Kremlin would veto any proposal within the Security Council not based on mutual acceptance between Belgrade and Pristina. But the underlying aim for starting a second round of negotiations was only partly the slight hope that a settlement could be reached via diplomatic means. Another equally – or even more – important rationale behind this re-launch was to grant some time to the European Union to formulate a more coherent policy on the issue. This is also reflected in the fact that during this second round of negotiations – between August and December 2007 – talks between Belgrade and Pristina were mediated by the so-called Troika, comprising the representatives of the US, Russia and the European Union. It was hoped that this streamlined representation of EU-Member States would contribute to a more unified European stand regarding Kosovo, which could tip the balance, but differences between Member States have been – and indeed are – too great for such a unity to take shape.

It is not surprising then, that at the end of the day the Troika needed to note that it ‘was able to facilitate high-level, intense and substantive discussions between Belgrade and Pristina. Nonetheless, the parties were unable to reach an agreement on the final status of Kosovo.’ (KI-MOON, 2007a: 2.) Thus the only route via which Kosovo could realise its dreams of independence in a legally undisputed way proved to be blocked. Many expected the province to declare its independence unilaterally

¹ Here we are referring to the introduction of ‘Standards’ by Michael Steiner in 2002 and the coining of the phrase ‘Standards before Status’, meant to ensure that certain criteria are met by Kosovo before the question of the province’s status would be put on the agenda. There was a shift in the policy of the international organisation following the Kai Eide report (Annan, 2005) in 2005, stating that although the implementation of standards is uneven, the status quo is unsustainable. Since the Standards do not constitute a legally binding document, this issue will be dealt with later on, as we examine the political implications of Kosovo becoming independent.

² As the statement by the president of the UNSC puts it: ‘The Security Council agrees with Ambassador Eide’s overall assessment that, notwithstanding the challenges still facing Kosovo and the wider region, the time has come to move to the next phase of the political process’. (UNSC 2005a: 1)

right on the day the official deadline for negotiations were met – i.e. 10th December 2007 –, but it did not come around until two months later, more precisely on 17th February 2008, immediately causing heated debates whether or not such a move was legal or not, hence Kosovo should be recognised as an independent and sovereign state or recognition should be denied.

Let us start the examination of this issue with the criteria listed at the end of our theoretical overview and see if these criteria have been met, i.e. whether the population of Kosovo has a distinct ethnicity, needed to face human right violations at a large scale and other ways for reconciliation have been tried but failed. Regarding this last criteria we can definitely say that it has been met, there were even two rounds of talks failing to produce a mutually acceptable agreement. As far as the first two are concerned, we may also say that these are met, but we need to proceed carefully on these issues. Taking the ethnic question into consideration, we can note that around 90 % of Kosovo's population is made up of Albanians, definitely of distinct ethnicity than the remaining – approximately – 10 % of Serbs, who partly live in one block in the northern part of Kosovo and partly in smaller enclaves in south of the Ibar River¹. The human rights of Kosovo Albanians have definitely been violated by the FRY prior to March 1999, but as we have seen from the historical overview, those of Kosovo Serbs have also been quite often forgotten by Kosovar institutions and Albanians living in the province², and it is not a coincidence that along with the Serbian army and police, thousands of civilians left Kosovo to Serbia proper after the NATO-intervention, and have been afraid to return ever since. Caution was not advised to suggest that human right violations from the Serbian side should be judged as 'not that bad, since Albanians do not have a clean record either': no violation of human rights could be justified by the fact that the perpetrator has also been victim to illegal treatment.

Rather, we need to proceed with care, because after having stated that all the criteria we set have been met, therefore Kosovo's independence is legally acceptable, we may continue our examination at a lower level, namely Kosovo proper, and then we would find that the case of Kosovo Serbs also fulfil all these criteria, therefore they have a right to secede from Kosovo, or rather: remain part of the Republic of Serbia. As a counter-argument one may raise that Kosovo by definition could not violate the human rights of Kosovo Serbs since it simply did not exist as a sovereign state prior to 2008, but – from a legal point of view – formed a territory of Serbia, as also set out in the Serbian constitution. However, if our point of view is that throughout these years Kosovo has been a constituent part of Serbia, we may also add that the violations of Albanians' human rights ceased nine years ago, and since 1999 the interests of Kosovo Albanians are more than taken into full account, so it is questionable whether violations undoubtedly committed in the past still justify an actual secession in a situation where the human rights of Serbs have been – and are – violated. One could also put forward the argument that between 1999 and 2008 ultimately UNMIK is to blame for eventual human right violations and Kosovo Albanians cannot be 'punished' for mistakes made by others, and thus should be

¹ For a map on Kosovo's ethnicities see Annex II.

² Here we only note that the violation of Kosovo Serbs' human rights continued also under the international stewardship, culminating in a violent pogrom against Serbs in March 2004. But this was only the tip of the iceberg.

granted independence and give them a chance to prove that they can build a multi-ethnic society. But this argument misses a rather important point: as time went on, UNMIK transferred more and more authority to the so-called 'Provisional Institutions for Self-Government' (PISG), elected by and consisting of Kosovars. But the situation basically did not show any signs of improvement on those areas (e.g. education, returns-process) for which locals bore responsibility.

We may approach this issue from another point of view, and this would yield similar results, namely it is also in favour of partition – an option actually opposed by every stakeholder, we may add. The starting point of this angle is an established argument of international law according to which a state is created by the fact of its existence as a separate entity, and therefore both a declaration of independence and its recognition is merely dependent upon political considerations. To some extent, this is indeed true for Kosovo. In general we can say that the Republic of Serbia has not exercised sovereignty over the territory since 1999, it has different currency, different governmental institutions, questions regarding state administration are not decided upon in Belgrade, there are border controls between Kosovo and Serbia proper etc. The problem with the application of this argument in our specific case is that both Pristina and UNMIK failed to exercise sovereignty over the whole of Kosovo: the northern parts of the province basically remained part of Serbia. Civil servants have been paid by Belgrade, citizens held Serbian passports, drove cars with Serbian licence plates, etc. Thus if we take this argument as a justification for the recognition of Kosovo, we face problems trying to explain why the province cannot be partitioned.

Obviously, in the case of Kosovo, one is not confined to refer only to certain legal principles or actual practice of international law, but we also have specific documents dealing with the question. Let us take a brief look at the most important of these particular and concrete documents! As we have stated earlier, UNSC Resolution 1244 does not explicitly forbid the province becoming independent, but does not allow it either, and – to a layman at least – it seems to be in favour of 'substantial autonomy' within Serbia rather than seeing Kosovo becoming independent. Staying with the UNSC Resolution 1244, we may add that according to BBC's World affairs correspondent PAUL REYNOLDS (2008) '[m]any Western governments argue that because 1244 does refer to general principles that G8 foreign ministers had agreed in advance of the resolution, these should be used as the basis for the acceptance of independence now.' But as we take a look at these 'general principles', which became Annex 1 to 1244, we do not find anything that could be interpreted as supporting Kosovo's independence, quite on the contrary. In this respect these principles only mention '*substantial self-government for Kosovo, taking full account of (...) the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia.*'

Besides 1244, we have another legally binding document that deals with the status of Kosovo, but so far no major international player has referred to it. This lack of reference is not surprising, if we take into account that the document in question is the Constitution of the Republic of Serbia, which states that:

'Considering also that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has the status of a substantial autonomy within the sovereign state of Serbia and that from such status of the Province of Kosovo and Metohija follow constitutional obligations of all state bodies to uphold and

protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations' (Preamble, para. 2.)

'While assuming the office, the President of the Republic shall take the following oath (...):

»I do solemnly swear that I will devote all my efforts to preserve the sovereignty and integrity of the territory of the Republic of Serbia, including Kosovo and Metohija as its constituent part, (...).«' (Art. 114, para. 3-4)

'In the Republic of Serbia, there are the Autonomous Province of Vojvodina and the Autonomous Province of Kosovo and Metohija. The substantial autonomy of the Autonomous province of Kosovo and Metohija shall be regulated by the special law (...)' (Art. 182, para. 2.)

So far laws and other legally binding documents adopted by Belgrade has only been invoked by Belgrade in this debate, and for the most part out of political considerations (e.g. as authorities issued arrest warrants against Kosovo Albanian leaders accused of having created a 'fake state' on the territory of the Republic of Serbia). The reason for this well may be that whereas the Constitution is undoubtedly a legally binding document as such, the legal validity of those specific parts that deal with Kosovo and its status is questionable. Although the wording seems to pay special attention to be in line with 1244¹, insofar as it mentions 'substantial autonomy' and recalls the territorial integrity of Serbia, it is also true that under UNSC Resolution 1244 and other documents referred to within it (e.g. the Rambouillet Accords), it did not have the right to make a unilateral decision on the status of Kosovo. Obviously for that matter – following the same line of thought – we can also state that neither were authorities in Pristina authorised to unilaterally secede from the Republic of Serbia. All the more so, since – as KING and MASON (2006) note – not only the PISG were explicitly forbidden to deal with any issues relating to the status of Kosovo, but UNMIK itself had to exercise restraint on this matter.

Furthermore, when dealing with either Kosovar or Serbian laws, we are not to forget that these are different in nature than international legal acts, be these latter ones issued by the UNSC – or any other international organisation for that matter – or be they the result of intergovernmental agreements. In this respect we can say that – apart from some specific cases, like the prohibition of genocide – there is no unambiguous answer to the question whether international law by definition is to have supremacy over domestic law, or international legal acts can only be valid within a country after having undergone certain domestic legislative procedures, but this question is clearly outside the limits of our recent study².

¹ In this respect it is interesting to note that the same will to be in conformity with important documents issued by international organisations can also be observed in the case of Kosovo Albanians: their Declaration of Independence contains the most important elements of the Ahtisaari-proposal.

² We may note however, that in this respect the Serbian constitution states – in Section I, Art. 16 – that 'The foreign policy of the Republic of Serbia shall be based on generally accepted principles and rules of international law. Generally accepted rules of international law and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly. Ratified international treaties must be in accordance with the Constitution.' In other words, this document fails to help us out of our dilemma insofar as both the right to self-determination and the territorial integrity of states are among the 'generally accepted principles and rules of international law.' It is the precise contents of these rights which is debated.

Outside the realm of legally binding documents, we encounter an astonishingly huge number of various declarations, speeches, statements and opinions, and it is clear that the present paper cannot deal with each and every one of them. Nevertheless, some political documents are more important than others, and it also happens that whereas a given document is not legally binding in nature, it is dealt with by major actors as if it were, but at least they take these 'political declarations' seriously in account. In what follows we will examine three such documents and their relevance to the Kosovo-issue, the first one having been issued by the so-called BADINTER-Commission¹, the second one being the famous and much referred to AHTISAARI-plan and the third one is the 1970 Declaration by the UNGA, which we have already quoted above.

Regarding the work of the Badinter-Commission, we can note that it has not dealt specifically with the question of Kosovo when it was asked to give its opinion on which entities can legally be granted recognition (JUHÁSZ, et al. 2003: 72), nevertheless it formulated relevant standpoints when it was issuing its opinion on the questions of state borders and the right to self-determination². In connection with the latter one, it stated:

*'1. The Committee considers that, **whatever the circumstances, the right to self-determination must not involve changes to existing frontiers at the time of independence (uti possidetis juris) except where the states concerned agree otherwise.***

*2. Where there are one or more groups within a state constituting one or more ethnic, religious or language communities, **they have the right to recognition of their identity under international law.** (...)*

4. The Arbitration Committee is therefore of the opinion:

(i) that the Serbian population in Bosnia-Herzegovina and Croatia is entitled to all the rights concerned to minorities and ethnic groups under international law and under the provisions of the draft Convention of the Conference on Yugoslavia of 4 November 1991, to which the Republics of Bosnia-Herzegovina and Croatia have undertaken to give effect; and

(ii) that the Republics must afford the members of those minorities and ethnic groups all the human rights and fundamental freedoms recognized in international law, including, where appropriate, the right to choose their nationality.' (emphasis added)

¹ The official name of the Badinter-Commission was 'Arbitration Commission of the Conference of Yugoslavia', and its history neatly encompasses how things never work out in the Balkan-context the way the international community originally planned. At first this group of people were called a Committee, and its name changed to Commission later on. But that was not the most important 'transformation' the concept had to undergo when it was put into practice. It was planned to be mandated with issuing opinions that could be legally binding and two out of its five members were foreseen to be from Yugoslavia. Eventually it composed 'merely' of well-known experts from EU-countries (notably the French Robert Badinter, the German Roman Herzog, the Italian Aldo Croasanti, the Spanish Francisco Tomas y Valiente and Irene Petry from Belgium, all presidents of the Constitutional Court of their countries of origin) and issued only recommendations, in this case called 'opinions'. (Juhász, et al. 2003)

² Full-text of the Arbitration Commission's opinions can be found at: <http://www.ejil.org/journal/Vol3/No1/art13.html>

Thus, in the view of the BADINTER-Commission the right to self-determination in the context of the former Yugoslavia does not include the right to secede from the republic these minorities happen to live in, they are only entitled to be recognised as minorities and shall be granted all the rights which they are entitled to under international law. As regards the question of borders, the Commission arrived at the opinion that:

2. (...) *once the process in the SFRY leads to the creation of one or more independent states, the issue of frontiers, in particular those of the Republics referred to in the question before it [i.e. Croatia, Bosnia-Herzegovina and Serbia], must be resolved in accordance with the following principles: (...)*

Except where otherwise agreed, the former boundaries become frontiers protected by international law. (...)

The principle applies all the more readily to the Republic[s] since the second and fourth paragraphs of Article 5 of the Constitution of the SFRY stipulated that the Republics' territories and boundaries could not be altered without their consent.' [emphasis added]

As we can see, the opinions issued by the BADINTER-Commission are formulated in a straightforward, unambiguous way – to a large extent due to the fact that they are not legally binding –, and according to them, Kosovo Albanians have not had the right to secede from the Republic of Serbia, the frontiers of which have been – and are/but at least are supposed to be – ‘protected by international law’. Unless of course we interpret 1244 to constitute the exception the previously emphasised paragraph was referring to, arguing that the Resolution of the UNSC does not ‘guarantee’ the territorial integrity of Serbia, only mentions – in the annexes – that it would be taken fully into account and – in the preamble – that members of the UN are committed to it. But in my view such an interpretation is dangerously close to quibbling.

In connection with the opinions of the BADINTER-Commission, we need to note that they definitely sparked some debate among the experts of international law, and evaluations of its work vary to a great extent. It is not our aim to get involved in the debate to a large detail here, nevertheless it merits some thoughts what criticism the Commission got, before one would argue against the legality of Kosovo’s independence pointing to the opinions of the BADINTER-led expert group. One of the problems that could be mentioned about the commission is its composition, and here we are not referring to the fact that there were only jurists from Member States of the European integration, but rather their place within the judiciary of their respective countries. Whereas it is beyond doubt that the highest position a jurist can reach within the judicial establishment of a democratic country is being the President of the Constitutional Court – which all the members were –, it is also a fact that the bulk of the work of constitutional courts does not concern the field of international law as such, but are more tightly connected with judging whether certain domestic laws or international treaties the given country is party to are in line with the constitution of a given country¹. For that matter, we may state that we would

¹ Taking the French case to illustrate the above mentioned, we can note that according to the Constitution of France, the Constitutional Council is not involved in any way in issues regarding international law *per se*. Title VI, Art. 54 states that ‘If the Constitutional Council, **on a reference** from the President of the Republic (...) has declared that an international

need to go back a really long way in time to find a case in which the constitutional courts of any of these countries needed to reflect upon the question of international borders in general and their modification in particular.

Another point where opinions split is whether the application of the *uti possidetis juris* principle was well-founded. Everyone agrees that with this decision the BADINTER-Commission created a precedent, insofar as it has never been applied in Europe before. But TÜRK (1993) – while painting a generally positive picture about the work of the Commission – suggests that even after the BADINTER-Commission's opinion this principle is only applicable in cases where a federation is about to dissolve, and RADAN (2000) refuses altogether the idea that *uti possidetis juris* could have been applied outside the context of colonization. So all in all we can say that if we agree that the Arbitration Commission was right and accept their viewpoint, we can state that Kosovo's declaration of independence was illegal. On the other hand, we may also question the applicability of the opinions quoted above – especially the issue in connection with *uti possidetis juris* – and then the situation is not that straightforward, but this also turns the whole question into an academic debate, since we engage on reflecting upon questions starting with 'what would have happened if...?', which might be interesting, but because it involves nothing but speculation, would also prove to be rather unscientific.

But as there is a legally non-binding document that seems to favour the Serbian point of view in this question, there is also one that is more favourable to the opposing side, namely the so-called AHTISAARI-plan (KI-MOON; 2007c), the proposal made by the UN Secretary-General's Special Envoy after the first round of talks failed to deliver any result. It is all the more so important from our point of view, since – unlike the opinions of the BADINTER-Commission which have not emerged in the recent phase of the debate on Kosovo yet – this is a widely referred document, appearing among others in Kosovo's declaration of independence (Kosovo Assembly; 2008) itself. The AHTISAARI-plan also plays a part when it comes to the legal base of the ESDP-mission¹, since – as one line of argument goes – the deployment of this mission is in fact the implementation of this plan, and indeed, in his report AHTISAARI refers explicitly to the EU's ESDP-mission (KI-MOON, 2007b: 8).

As it is well-known, the AHTISAARI-plan suggested internationally supervised independence for Kosovo with enhanced rights for minorities. As we read AHTISAARI's report, we see that he avoids any reference to international law – not even the principle of self-determination appears – and rather bases his proposals on political realities, namely that the 'reintegration into Serbia is not a viable option', 'continued international administration is not sustainable' and therefore 'independence with international supervision is the only viable option' (KI-MOON, 2007b: 3-4). The fact that the report remains outside the realm of international law, makes legal

commitment contains a clause contrary to the Constitution, authorization to ratify or approve the international commitment in question may be given only after amendment of the Constitution.' According to Title VII, Art. 61. Acts of Parliament [including those that were issued to ratify an international treaty] **may** be referred to the Constitutional Council, before their promulgation, by the President of the Republic (...) and Title VII, Art. 62. declares that 'A provision declared unconstitutional shall be neither promulgated nor implemented' [emphasis added].

¹ We would like to emphasise again, that the questions surrounding the legality of Kosovo's independence on the one hand and the legality of the ESDP-mission on the other are far from being separate ones. In fact this is the very same issue, looked at from a different angle.

counter-arguments irrelevant, since they would inevitably refer to issues not touched upon by the document. And although – as we have seen in the previous parts of the present paper – the field of (international) law can get quite swampy, that of politics is covered with even more marshlands: in fact it is practically impossible to obtain a solid foothold here.

Wishing not to enter this generally unstable area by giving a detailed political analysis of the AHTISAARI-report, we confine ourselves to raising one question. In case of a ‘supervised independence’-scenario, how could the international community guarantee that the rights of the Serbian minorities would not be violated by Kosovars, if it proved to be totally impotent to protect – or even grant some of – these rights during the time when the province was actually run by it, and thus experienced a much more direct involvement than the one outlined in the AHTISAARI-plan? And here we are not only referring to the rights of minorities as such – like the right to use one’s mother tongue, declare him or herself to be of different ethnicity than the majority of the population, etc. – but the most basic human rights. Several similar questions could be asked in connection with the AHTISAARI-plan, but as stated above, these questions would be irrelevant from the legal dimension of the issue.

Lastly let us briefly mention the Declaration of the UNGA from 1970. If we approve that the Opinions of the Badinter-Commission seem to be in favour of Serbia whereas the AHTISAARI-plan is more in line with the point of view of Kosovo Albanians, we can say that the UNGA Declaration is somewhere in-between. Those who prefer independence may point out that the paragraph quoted above – in page 56 – suggests that those governments who apply discrimination among their citizens¹ – somehow automatically – lose their right to invoke the principle of territorial integrity. On the other hand this line of thought can be rejected by pointing out that the Declaration has nothing to say about such case: it only states that those governments who are representative and respect the principles and norms of international law while conducting their affairs do not need to be afraid of secessionist movements. But from this statement it does not follow that those who are discriminative would inevitably need to face the threat of disintegration. Moreover, if we argue that Serbia lost its sovereignty over Kosovo due to the massive human rights violations of the MILOSEVIC regime, then we may wonder why UNSC 1244 failed to specify this legal fact. Noone in his right mind would seriously argue that the crimes committed by MILOSEVIC would not cause Serbia to lose its claim to Kosovo in themselves, but coupled with the exclusion of Kosovo Albanians from the recent referendum they constitute a case to that effect.

To conclude this part about the legality of Kosovo’s independence and thus that of the ESDP-mission, there is one final source we may examine, although strangely enough it is some mysterious document allegedly drawn up by legal experts of the European Union and leaked to the press², but the full text of which was not pub-

¹ In this respect we need to note that the Serbian government has definitely been discriminative and has not looked upon Kosovo Albanians as its citizens. Belgarde’s point of view was clearly demonstrated among others in 2006 as Kosovo Albanians could not vote on the referendum organised to approve the country’s new constitution.

² References to this document are made among others by Reynolds (2008) and Tuhina (2008), and although both quote from the document itself, they give contradictory information about the authors: whereas Reynolds states that ‘[t]he European Union has drawn up, (...) [the

lished on the Internet. Thus we need to confine ourselves to the quotations these articles mention when reporting about the existence of this document. According to these reports, the independence of the province and the subsequent deployment of the ESDP-mission are in line with the underlying philosophy and approach of 1244, even though these are not mentioned in the resolution explicitly. Quoting REYNOLDS (2008), we can say that: *‘»Acting to implement the final status outcome in such a situation is more compatible with the intentions of 1244 than continuing to work to block any outcome in a situation where everyone agrees that the status quo is unsustainable,« it [i.e. the EU-document in question] says. The document adds that this approach »will enable, rather than frustrate, the conclusion of the final status process envisaged in resolution 1244«’.*

Justifying a given decision by referring to the ‘spirit’ of a legal document – as opposed to a strictly word-by-word interpretation – is not a unique phenomenon within the European Union: the European Court of Justice has quite often taken this course when delivering judgments, often driving forward the integration process by flexible interpretation of the text of the Treaty or that of other legal acts. Over the years such argumentations became more or less accepted by the Members States of the EU – although at times one can also observe governments wishing to limit the ‘creativity’ of the Court by attaching various appendices and explanatory notes to a given text expressing what their intention has been¹ – but it remains to be seen if such an approach could be accepted in the much looser framework that the UN-system has created. It is beyond doubt that the deep – political and economic – integration that exists between the European states and the *sui generis* nature of this integration – as well as the cultural proximity of the participants – facilitated the creation of an environment where references to the ‘spirit of the Treaty’ could become accepted by the stakeholders. Needless to say, we are extremely far from such a close-knit integration at the global level, and this fact may well pose obstacles for the EU – or individual European states, for that matter – if it wishes to get its point of view accepted by others.

Moreover, we can say that – precisely due to the lack of concrete and definitive provisions – the ‘spirit of 1244’ could be described many ways: the only thing specified in the Resolution in connection with the status is, that this question should be decided in the framework of a political process, but 1244 remains silent even about the participants of this foreseen political process. Thus, in my view if we allow such a huge room for flexible interpretations and let various stakeholders refer to the ‘spirit’ of legal acts on a global scale, we may open a Pandora’s Box, and it will not take much time before we face a situation where an increasing number of countries would start re-interpreting various legal documents arguing that their actual practice is in line with the ‘spirit’, if not with the letter of the given text. With this, I am

document’, Tuhina says the paper was written by ‘legal experts from governments of some EU member.’ For the sake of simplicity-and because BBC is a better-established and more renowned institution than the Balkan Insight – we refer to the document in question as an ‘EU-document’.

¹ In this respect we may mention that the relevance of such appendices and explanatory notes can be questionable from a legal point of view, insofar as the one and only institution allowed to interpret legal acts of the integration with legal implications is the European Court of Justice. In this respect an explanatory note issued by the Council and setting out the aims of the legal act and their intention can be said to be irrelevant.

not suggesting that different interpretations of international law would not exist today, even the present paper dealt with one of the contested notions when discussing the ‘right to self-determination’. What could be a problem in this respect is, that the introduction of interpreting UNSC Resolution – as opposed to undefined, but nevertheless ‘generally accepted’ principles of international law – ‘spiritwise’ could have a trickle-down effect and the relativisation of international law could spread from these ‘principles’ to specific Resolutions.

Focusing on the ESDP-mission’s legal base, this mysterious document says – according to REYNOLDS (2008) – that ‘(...) *there is nothing to stop the EU from taking over from the UN, as 1244 simply refers to »international civil and security presences«.*’

Assuming that REYNOLDS is right, we can state that the EU document referred to lives with the ethically questionable – although widely used – method of selectively quoting from a given source, omitting those parts that may contradict the speaker’s aims. As we can see in Annex I., 1244 does specify that

- these ‘international civil and security presences’ should be deployed ‘under United Nations auspices’ (point 5)
- it is the Secretary-General who is to establish these international civil presences (point 10), who cannot act against the will of the UNSC and lastly that
- the establishment of an interim administration for Kosovo as a part of the international civil presence (...) [is] to be decided by the Security Council of the United Nations. (Annex II, point 5).

But this selective interpretation is further enhanced and becomes even more obvious when the EU-document tries to formulate its standpoint on the Preamble of the UNSC Resolution 1244, which does refer explicitly to the territorial integrity of the FRY. According to the EU experts’ point of view, it is irrelevant, because preambles by definition are not legally binding. This is the point where this whole EU-document is turning into some kind of a non-sense. If we take the definition given by the Webster dictionary, a preamble is:

- 1: an introductory statement; especially: the introductory part of a constitution or statute that **usually states the reasons for and intent of the law***
2: an introductory fact or circumstance; especially: one indicating what is to follow [emphasis added] (Webster 2008)

So to summarise it: the EU argues that the preamble of 1244, setting out the ‘reasons for and intent of the’ resolution is irrelevant, because it is non-binding, and in the very same time, it argues that the resolution itself is to be read focusing on the ‘spirit’ (i.e. the intent, the rationale) of the text. The only way I see to untie this Gordian knot is to argue that the definition given by the Webster-dictionary is not valid here, since it explicitly refers to a ‘constitution or statute’, moreover the word ‘usually’ appears, so it is clear that this definition is irrelevant for our case. All in all, the argumentation is far from being convincing and what is even worse is that it contradicts itself.

What conclusions can we arrive at after this brief overview focusing on the legal dimension of the ‘Kosovo issue’? Serbia and its supporters –most prominently Russia – argue that the unilateral declaration of independence was illegal and refuse it altogether, saying that the inviolability of international borders takes precedent over the right to self-determination, and borders can only be amended if there is a mutually accepted agreement. But as mentioned above, this is not altogether true,

insofar as the inviolability of international borders does not mean that under no circumstances could these borders be changed, and the international law tends to enable secession provided certain criteria are met. These criteria had been definitely met by Kosovo, so its independence is in line with international law, but the case of people belonging to the Serbian minority in Kosovo meets these criteria just as well, which leads us to the conclusion of partitioning the province.

Taking the only legally binding act the international community managed to issue in this question – UNSC Resolution 1244 – as a foundation for our argumentation, we can say that it neither forbade, nor foresaw an eventually independent Kosovo, although it tends to prefer the province staying within the borders of Serbia, lest for the case Belgrade and Pristina manage to agree otherwise, and it certainly requires creativity to argue that the emergence of Kosovo as a sovereign state is fully in line with 1244. Trying to find help among political documents will not make us become more certain on the issue since there is one that would stop Yugoslavia's disintegration process at the borders of its constituent republics, another that would grant Kosovo independence – although omitting legal arguments-, and a third that could be interpreted both ways. Nevertheless, we can undoubtedly agree with the AHTISAARI report's main argument, namely that the status quo was unsustainable.

The way I see it, the best solution towards which the international community should work now would be the partitioning of Kosovo between Belgrade and Pristina, if possible based on a mutually acceptable agreement, or – taken into consideration the political reality that reaching such an agreement would prove to be impossible – based on a Security Council resolution. This solution would have many advantages: firstly it would undoubtedly be in line with international law; secondly, it would not be that burdensome to argue whether or not Kosovo constitutes a precedent for others to follow: should another secessionist movement wish to apply the Kosovo-case, one could easily point either to the fact that the solution was arrived at via diplomatic means and the decision enjoys mutual acceptance or that it had been regulated via the UNSC; thirdly it would offer a way to more 'pro-Western' Serbian politicians to at least partly 'save their faces', fourthly would at least partly relieve the newborn Kosovo of the burden to integrate Kosovo Serbs into its society¹ – a task even the international community proved to be unable to solve even though it has accumulated abundant experience on minority protection and throughout almost 10 years ran the province itself via a more or less well-funded administration – and thus better chances for internal stability and – in connection with that – improved chances for economic revival. Obviously even the partition-option would cause huge turbulences in the domestic political life in Serbia, and with what has just been said I am not suggesting that a 'Kosovo minor' would have an easy way ahead of it as it would try to develop economically, politically, socially.

¹ With partition the problem of how to integrate Kosovo Serbs into Kosovar society would not go away, but were 'only' significantly eased, insofar as many of the Kosovar Serb community live in enclaves in the southern part of Kosovo. The comparatively smaller challenge of integration would emerge not only because of the proportionally less Serbs, but also because these communities – understandably – have shown more willingness to cooperate with both Kosovo Albanians and with UNMIK during the past years as those living in the north. (King, Mason (2006)).

What needs to be added to this analysis is that the word ‘now’ in the second line of the previous paragraph should not be overlooked. It is my conviction that the Kosovo issue could have been handled far more effectively by all the stakeholders in case they had not wished to solve this question in isolation, taken out of the more general Western-Balkans context, which in fact they have been doing every time they called Kosovo a ‘unique case’, a ‘special issue’, something ‘unprecedented’ which is not to set a precedent in the future either. Kosovo is unique, no doubt about it. And so is Bosnia-Herzegovina, Albania, Macedonia, Croatia and Serbia. And to a large extent these countries require special attention because arguably the greatest problems they need to solve are how to integrate the minorities living within the borders of their state on the one hand, and how to ensure that the rights of those having the same ethnicity as the majority in the given state, but live abroad as minorities are upheld on the other. In short: in the Western Balkans we are not faced with five or six individual and isolated ‘specialties’ but rather the uniqueness of the region as such¹.

As long as the international community wishes to solve these problems isolated from each other, it will be unable to work out any sustainable solutions. Similarly, the individual countries concerned will not be able to find satisfactory answers to these questions either, as long as they search for a way forward individually, or in a worse situation: as long as they are explicitly expected to solve ‘their own’ problems, which in fact are neither ‘their’ problem – insofar as their neighbours have the same problem –, nor their ‘own’ problem – insofar as whatever solution they may come up with will have an impact on their neighbours as well.

III. POLITICAL IMPLICATIONS OF THE ‘KOSOVO ISSUE’

The reason for Kosovo’s independence causing such a huge debate worldwide is obviously not the fact that the issue provides an opportunity for scholars and politicians to come forward with elaborate argumentations, for which they are bound to receive sophisticated replies and everyone gets a chance to exhibit his or her rhetoric skills. The intellectual beauty of the question may excite some academics worldwide, but the debate has become so intensive because the outcome of Kosovo’s bid for independence may have serious political implications both at national, regional and global levels. In what follows, we will examine these potential effects to highlight what is at stake both for the EU and for the region, and why it is important that the ‘Kosovo-question’ gets settled in a reassuring way. In other words: why is it of utmost importance that EULEX Kosovo – along with other instruments the EU mobilises to assist Kosovo – manages to reach its goals and contributes to the stability of the whole region.

We will start our assessment with the question how much Kosovo constitutes a ‘unique case’ and whether those are right who highlight that the province is so special, that any comparison with other territories is false, and thus Pristina becoming independent cannot set a precedent for the future, or rather those who claim that after Kosovo becomes independent a situation akin to an apocalypse is to be fore-

¹ It is not to suggest that there would not be any individual specialties in each of the Western Balkans-countries on top of the above mentioned uniqueness characteristic of the whole region as such.

seen with secessionist movements all over the world pointing to Kosovo and stepping up their efforts to reach their goals. After this assessment we turn our attention to the political implications the independence may have in Serbia and in Kosovo proper, and lastly in the EU.

III.1. Kosovo as a unique case

Not surprisingly, on the question of whether Kosovo is a unique case or not, the opposing sides are again Serbia and its supporters on the one hand – claiming that the Kosovo case could create a dangerous precedent – and the majority of Western governments on the other. In fact, they also use their respective point of view to strengthen their argumentation be it either in favour, or against Pristina's bid for independence. And not surprisingly either, the truth probably lies somewhere in the middle of this wide spectrum. Let's see what those say, who think Kosovo should be handled as a special case and merits individual treatment!

The US Department of State devoted a special page within its website to justify its standpoint, according to which:

'The United States considers Kosovo to be a special case that should not be seen as a precedent for other situations. Events in Kosovo were themselves unprecedented.

Kosovo's special circumstances include:

- *The state of Yugoslavia collapsed in a non-consensual, exceptionally violent way, creating threats to international peace and security that have obliged the UNSC to act repeatedly.*
- *Between 1993 and 1999, the U.N. Security Council (UNSC) issued seven resolutions addressing Kosovo.*
- *Amid massive human-right violations, the Milosevic government repeatedly disregarded UNSC resolutions demanding a halt to hostilities.*
- *The Milosevic regime's actions in Kosovo and throughout the region undermined international stability and led to cross-border refugee upheavals.*
- *In 1999, NATO's 19 allies reached the consensus decision to take collective action to remove Milosevic's police and military forces from Kosovo.*
- *Kosovo is administered by the United Nations under U.N. Security Council Resolution (UNSCR) 1244, unanimously adopted (with China abstaining) June 10, 1999, to address Milosevic's actions. (...)' (Dept. of State; 2008)*

Point three was further specified by FRIED (2008a) stating that these human-right violations amounted to *'the ethnic cleansing that accompanied Yugoslavia's collapse; brutal crimes against and the forced expulsion of civilians in Kosovo.'*

Drawing attention to the uniqueness of the situation, AHTISAARI focuses on the last point listed above, stating in his report that *'In unanimously adopting resolution 1244 (1999), the Security Council responded to Milosevic's actions in Kosovo by denying Serbia a role in its governance, placing Kosovo under temporary United Nations administration and envisaging a political process designed to determine Kosovo's future. The combination of these factors makes Kosovo's circumstances extraordinary.'* [KI-MOON (2007b: 4)]

More or less these are the arguments that are supposed to convince everyone about the peculiarity of Kosovo, although we need to note that the US Department of State seems to reserve the right to add further bullet points to the list, insofar as the wording suggests – by the usage of the word 'include' – that this enumeration is

not complete – which is hard to understand in the light of the fact that they created a separate webpage just to publish this (presumably) non-exhausting list. All these factors taken together undoubtedly give good reason for characterising the situation as extraordinary, but the question is whether all these peculiarities could only be observed in the Kosovo-case, or we find at least another state where the situation is almost authentic.

In this regard, we do not need to go far to point to a state with similar characteristics, namely Bosnia-Herzegovina. Needless to say, this obvious example substantially weakens the whole argumentation about Kosovo being something so uniquely special that the world has never seen anything comparable before. Going through the bullet-points of the State Department, the first one is definitely valid for Bosnia-Herzegovina. As far as UNSC resolutions are concerned, we can say that between 1992 and 2007 not less than 58 resolutions¹ dealt explicitly with Bosnia, out of which 32 were issued between 1993 and 1999. The war in Bosnia-Herzegovina and human right violations – including ethnic cleansing and forced expulsions – committed by both sides were not ended by the parties suddenly realising that they are acting against a given UNSC Resolution either. The fourth bullet-point itself suggests that the actions of the Milosevic-regime had a regionwide impact. As far as the NATO-intervention is concerned, we can refer to Operation Deliberate Force, an air-campaign by NATO, hitting the territory of Bosnia-Herzegovina carried out between August and September 1995². And although Bosnia-Herzegovina was not actually run by the UN itself, we can definitely say that it cannot be looked upon as being a fully sovereign country, since the international community among others created a so-called Peace Implementation Council and appointed a High Representative (currently Miroslav Lajcak from Slovakia, also EU Special Representative) who in 1997 was granted the right to remove from office all those officials he deems to violate the Dayton Peace Agreement and even to impose laws if the local legislation is (deemed to be) unable to pass them (these are the so-called Bonn powers)³. As regards the duration of ‘international stewardship’, we may note that in the Bosnian case it has been going on for a much longer time than in Kosovo.

Taking all these facts into consideration, one ends up thinking that Kosovo is far from being a unique case. One does not need to be a renowned expert of international law to see that something is suspiciously wrong in the way of thinking and behaviour of those, who justify the recognition of Kosovo’s independence solely on these arguments and with a reference to a rather vague, self-contradictory ‘spirit-wise’ interpretation of 1244, in the same time calling into question the right of Northern Kosovo or Republika Srpska to secede from Kosovo or Bosnia-Herzegovina respectively. It is my conviction therefore that in the Western-Balkan context the Kosovo-case can justifiably be looked upon as a precedent by certain

¹ UNSC Resolutions 752; 755; 757; 758; 798; 761; 764; 787; 770; 776; 781; 786; 816; 819; 820; 859; 824; 836; 838; 844; 900; 913; 941; 942; 943; 958; 959; 970; 982; 1004; 1010; 1016; 1031; 1035; 1088; 1103; 1107; 1112; 1144; 1168; 1174; 1184; 1247; 1256; 1305; 1357; 1396; 1418; 1420; 1421; 1423; 1491; 1551; 1575; 1639; 1722; 1764; 1785.

² For a detailed description of NATO’s Deliberate Force see NATO (2002).

³ For a more detailed description on the rights of various institutions set up by the international community see the website of the Office of the High Representative in Bosnia-Herzegovina: <http://www.ohr.int/>

minorities, especially those who live in areas that are also internally separated from the rest of their respective states by administrative borders.

It is my impression that those arguing against Kosovo providing a precedent for secessionist movements globally (e.g. ESF, 2008; Coppieters, 2007), tend to neglect the Western-Balkans dimension of the question, which in fact may well prove to be the real issue. They are right as they point out that fears about Kosovo having global repercussions and causing chaos and instability around the world, leading to a large number of states disintegrating, and visions about a coming apocalypse in the wake of Pristina's independence are largely exaggerated. Referring to the Kosovo-case will not strengthen the argumentation of those demanding independence for Basques or Catalans, and – for the time being – political realities neither will it help triumphing the cause of those South-Ossetian or Abkhaz leaders who wish to see their territories become a separate state, and the relevance of Kosovo will definitely be called into question by the international community when Kurds try to formulate their claim for a fully sovereign entity.

But as we saw, those arguing that Kosovo is not to set a precedent tried to forego all these claims, by setting their argumentation in the post-Yugoslav/Western-Balkans context. In this respect it is all the more surprising that the regional – as opposed to global – implications of Kosovo are usually not paid too much attention to. A point commonly made by observers taking into consideration the issue's regional implication – and thus accepting the view that Kosovo could be seen as having set a precedent – is that the status quo in Kosovo was in itself a serious source of instability, and therefore the question relating to the 'final' status of Kosovo called for an answer, and an independent Kosovo may even have stabilising effect on the Western Balkans as a whole (e.g. ASH, 2008). To underline his point, ASH refers to Macedonia as 'the country most directly affected because of its Albanian minority' and for which 'a more independent Kosovo is a stabilising factor', adding in brackets that '(Obviously the same is not true for Bosnia)'. To this we may add that the real issue here is not Macedonia in the sense that after the Ohrid Agreement of 2001 it has been a relatively (i.e. by WB-standards) stable country with clear commitment towards euroatlantic integration¹. By this we do not suggest that Kosovo becoming independent would be irrelevant for Macedonia, but wish to point out that independence may have more serious repercussions in other countries – or to be more precise: chances for a crisis situation to emerge are higher in other countries –, namely in Serbia and in Bosnia-Herzegovina. Thus, while admitting that the status quo in Kosovo was unsustainable, we tend to question whether the solution found to get out of that limbo will not result in the spreading of instability, not only in the short – but also in the medium-term.

In my view an independent Kosovo indeed has the potential to make the whole region more stable, but when taking this point of view, we need to assume certain things, and it remains to be seen whether these assumptions have been realistic or rather overoptimistic. The 'independence as a factor/precondition of stability' fore-

¹ The deep euroatlantic commitment of this country is undoubtedly to a large extent due to the EU's policy towards Skopje, with Brussels treating this state as an example of successful transition following a domestic crisis. It remains to be seen whether this commitment will be maintained in the wake of eventual – or in the case of NATO actual – disappointments regarding the pace of progress towards NATO and EU-membership.

sees that the inevitable political turmoil that has emerged – among others – both in Serbia and in Bosnia-Herzegovina will pass as quickly as it has come by, and in some months, maximum half a year, life will get back to ‘normal’ with each country trying to advance in their way towards EU-membership. And this is the point where this whole question of whether an independent Kosovo does or does not set a precedent, – with other words stabilises or destabilises the region – gains increasing and more direct relevance regarding the EU’s performance: the actions of the European Union – both in Kosovo proper and in the whole region – may well prove to be decisive in this respect. Regarding Kosovo proper, we can say that gaining acceptance (outside Pristina and EU-capitals of course) is a must for EULEX Kosovo, and as its legitimacy is – and for some time definitely will be – questioned by Serbia from a legal point of view, it needs to make up for this shaky legal foundation by delivering concrete and visible results and create itself legitimacy based on its achievements. If EULEX Kosovo fails to ensure minority rights to Kosovo-Serbs, the Union will further lose leverage on Belgrade, which the EU cannot allow itself: for a policy towards the Western Balkans to be effective, it cannot circumvent Serbia. Ignoring Belgrade may well work in theory, arguing that each country progresses towards the EU in its own pace and gets rewarded taking into consideration their individual merit and if Serbia chooses to make its way more cumbersome, it is her fault. In practice however, if Belgrade gets excluded – allegedly due to her own choice – from further integration, it means that Bosnia-Herzegovina will not advance too fast either, because the Republika Srpska and the Republika Srbije have more in common than a similarity in their name.

Regarding the EU’s actions towards the region as such, it is my conviction that things getting back to normal after the recent turmoil cannot be taken for granted, and it is a grave misunderstanding to expect that nowadays turbulent WB-countries will soon ‘come to their right minds’ and realize that the EU is their only way forward. Eventually they may do so. But without clear signs of enhanced engagement, without clear messages that the aim of the EU is to help these states overcome their problems and not to cause them, this ‘coming to sense’ may take an awfully long time and the road both the EU and the WB needs to go along in order to successfully finish the enlargement will be more bumpy. And in this respect let us not forget that the successful conclusion of the enlargement is to a large extent also in the interest of the EU¹. And this leads us to our next topic, namely what political implications Kosovo’s independence had for certain stakeholders and what can the integration do to alleviate eventual negative consequences.

¹ In this respect I myself was astonished listening to a Member State diplomat in Brussels arguing that in fact no one cares about Serbia’s historical grievances, Belgrade needs to make up its own mind and once it’s ready to seriously commit itself towards Europe and democracy it should act decisively, the Union will not miss Serbia, etc., in short that it is solely Serbia’s interest to join the EU. Joining the EU may be. But stability in the region is of utmost importance for the EU, which cannot be reached without the inclusion of these states. Stability is important not only for obvious security concerns, but also for political ones: failure to stabilise the Balkans will amount to a huge blow to the Union, which boastfully claims that it has become a global player whose point of view matters and who can really make a difference.

III.2. Political implications of Kosovo's independence within Serbia

As could have been expected, Pristina's unilateral declaration of independence was immediately declared 'null and void' by Belgrade, and Serbia kept on insisting ever since that Kosovo is a 'fake state', the creation of which goes against international law and is not to be recognised by any country that considers international law to be important. These diplomatic/political developments were accompanied by a large protest in Belgrade that eventually turned violent and featured attacks on embassies of those countries that were felt to be favouring Kosovo's independence and an overall raid on McDonald's restaurants and looting from shops along the main street. Unrest among Serbs in the northern part of Kosovo – and to a lesser extent in southern enclaves – has been characteristic ever since the declaration of independence. To some extent such events were foreseeable, except for the looting of shops and the Serbian government's spectacular reluctance to provide any protection to the US embassy.

The question is whether these 'anti-Western', nationalistic sentiments will gain even more ground in Serbia in the future, or this series of protests was a 'one-time event' and already in the short – to medium term the situation would improve and more pro-European politicians would lead the country. What makes answering this question hard at the end of April 2008 is that KOSTUNICA's government resigned and new elections are to take place in May, the results of which may provide us with a clearer picture on where Serbia would go from now. What we need to see in this context is that politically Serbia is a divided country, and the only thing that more or less kept this state on its road to the EU was the willingness of non-radical politicians to join their forces in order to prevent the SESELJ-led, far-right Radical party from seizing the leadership, even though they routinely manage to get the largest fraction within the Serbian Parliament. Radicals were kept out of power because none of the other parties wanted to enter into a coalition with them, since that would have meant paying an extremely high political price not only for these parties, but for Serbia as well, which would surely become isolated even before any radical minister could have sworn his oath.

The danger of the present situation is that the relationship between those who effectively kept the radicals out of power so far, namely TADIC and KOSTUNICA – President and Prime Minister of Serbia respectively – became so bad, that it is questionable whether they could continue to cooperate after the upcoming elections, which will probably be won by the Radical Party. During the electoral campaign KOSTUNICA has been moving closer to the radicals, so that he could remain in power and regain some of the popularity he enjoyed during the 1990ies. Should he in the end form the government with the radicals, it would not only be costly for Serbia, but also for the EU, insofar as the integration would need to give up its hopes for creating stability in the Western Balkans not only in the short, but also in the medium-term: a coalition between KOSTUNICA and NIKOLIC would definitely steer Serbia further away from Europe and would take up a more nationalistic, eastward-oriented stance. Although KOSTUNICA justified his resignation by emphasising that his government was split over the issue of Kosovo, in fact they were divided on the question of European integration, i.e. whether Serbia should strive towards EU-membership even without Kosovo, or it should take a 'tougher stance'

and make clear that an independent Kosovo and Serbia's EU-membership mutually rule each other out. The Prime Minister – both in his speeches and in his actions – made it clear several times that his standpoint is closer to the latter option, whereas TADIC – while never saying he would accept an independent Kosovo – seems to favour the first one.

Let us briefly examine the initial chances of the opposing sides before we turn our attention to the question what the EU can and should do to help those who favour Serbia's European integration over the notion of Serbian sovereignty in Kosovo not only to win in the upcoming elections, but also to be in a better position to gain a solid base among the electorate. Taking short-term consideration into account, the radicals, nationalists seem to be in a more favourable starting position, insofar as they can count on the emotions of the voters to a larger extent than pro-European political forces. The violent protest in Belgrade illustrated that emotions have considerable mobilising force and may well triumph over rationality: if one thinks the situation over, one easily comes to the conclusion that Serbia is better off without Kosovo both economically and politically, and Serbia could get into the European Union without its southern province much faster than with it. In fact, for several decades by now, Kosovo only moved the Serbs emotionally: while Serbs may refer to the province as the 'heart of Serbia', 'cradle of Serbian statehood', they would basically never travel, let alone live there. And this is not a specialty of the post-1999 era: living in Kosovo was not a preferred option by Serbs even under the MILOSEVIC regime. If we recall the Serbian myths about PRINCE LAZARUS and the battle of Kosovo Polje, we see that Kosovo in itself is the embodiment of heroism, self-sacrifice, pride and the 'beauty' of becoming martyrs; in short: all the virtues that 21st century Serbs wish to embrace by hopelessly fighting for Kosovo.

Nationalists may well use this parallel between 1389 and 2008 as they aim to win the elections. As regards the choice between 'East' and 'West', anti-western political forces may call the voters' attention to some sort of conspiracy-theory they have detected by stating – as KOSTUNICA did several times – that it was the aim of Western powers all along – but at least since 1999 – to cripple and ruin Serbia, weaken and humiliate her and they in fact needed to snatch Kosovo from Belgrade to finish the job. An alternative to this line of thought is that the 'West' is not only against Serbia, but against the Serbian nation as such by forbidding Serbs in the region to live in one state. Moreover the 'West' can be accused of applying double standards by pointing out that some in the region may exercise the right to self-determination but others cannot invoke this right; Serbia is punished for the acts of the MILOSEVIC regime and its road towards the EU is hindered by MLADIC still being at large, whereas Kosovo's HASHIM THACI – also known as 'the Snake' from the time when he was the leader of the UÇK – is an accepted figure throughout the West along with others who have been formerly prominent members of the UÇK¹. It will not occur to the majority of the Serbian society that assuming such a conscious behaviour from the side of the loosely-knit international community is hardly a sound argument. While listening to speeches at rallies about how the whole West joined forces against the Serbs, only a few will reflect about the possibility that the international

¹ The acquittal by the International Criminal Tribunal for the former Yugoslavia of Ramush Haradinaj in April 2008 did not help cool the tensions.

community might not have had such sophisticated blueprints: they only took the road of least resistance and ended up at the present situation.

Along with the disappointment in the 'West' emerged an enthusiasm towards the 'East', more precisely towards Russia: it is not an exaggeration to state that the popularity of PUTIN among Serbs in Northern Kosovo is comparable to the Russian leader's popularity among his own voters. Some expected Russia to be less adamant on the Kosovo-issue and thought Putin was only raising the stakes in this particular case to get more in return as he would finally agree to a new UNSC Resolution. But PUTIN remained steadfast, definitely weakening the position of 'pro-European' political forces within Serbia, who need to prepare for the next elections from a much worse starting position.

The dilemma they face is the following: no one can win an election in Serbia if he or she admits that Kosovo is lost. At the same time, Serbia cannot get much closer to the integration as long as she insists that Pristina's declaration of independence is 'null and void' recalling the ambassadors from every country that recognised Kosovo¹. All the more so, since many of these states are EU-members – 19 out of 39, as of 1st May –, and by lowering the profile of the diplomatic relations between these states and Belgrade, Serbia is weakening its potential to lobby for its European cause in these EU-capitals. So pro-European politicians will need to avoid mentioning Kosovo and focus on the benefits of being a member of the European Union. But speeches highlighting the advantages of joining the integration may quickly lose credibility unless they could be backed by some tangible results. In this respect one may consider the signing of the SAA to have been a step in the right direction, but due to the history of this agreement – to be covered later in this paper – I myself am doubtful whether this act will provide as much help to TADIC as it could have and whether the rapid signing will not remain ineffective or even backfire.

What seems to favour those who consider Serbia's EU-integration a priority is that radicalism and nationalism clearly do not pay off for Serbia even in the short run. Serbia cannot join the Russian Federation and however important an ally Russia has been and is in Serbia's bid for Kosovo, Moscow cannot substitute the role played by the EU and those other states in the Balkans who may favour their European integration, and thus would be partners of the EU as it would attempt to isolate a nationalistic Serbia. Even if we assume that the Kremlin would do everything to assist Belgrade overcome the difficult situation it would face after radicals rise to power, and this economic and political help would – hypothetically – prove to be enough of a compensation for Serbia, such a situation would create an extremely dangerous level of dependence. So for refusing Kosovo's independence, Belgrade would pay for by losing substantial amount of her own.

Unfortunately, as we can see these are more rational arguments than emotional ones, thus it is harder to get them through to the electorates. Moreover, a counter-argument can easily be formulated, by pointing out that in the present situation Belgrade depends to a large extent on the EU, and seen in this light, the changing of the fragile and ambiguous Western orientation to a more determined and definite Eastern one, does not seem to be that frightening, especially if one takes into account that Moscow has already delivered its promises and proved to be a trustwor-

¹ In this respect we may note that not even the Hallstein-doctrine had been applied with such rigour by post-war Germany.

thy partner, whereas the EU has been – to put it mildly – less so. One may also add that Moscow – as opposed to the EU – does not expect Belgrade to modify practically all its domestic laws from consumer protection through environmental regulations to certain rules regulating the system of taxation. This is obviously not to suggest that Serbia should change its course and turn away from the EU: radical, nationalist rule would create a situation close to a catastrophe for Serbia and would be disadvantageous for the whole Balkans-region – and also for the EU itself.

Before examining the question what the EU has done and should do in the present situation, let us briefly reflect upon the effects nationalistic rule in Belgrade would have on the region and on the EU. Without going into too many details, we can note that the EU would do everything to isolate a nationalistic Serbia. That would basically render the progress of the Balkans towards the integration slower, since – as was already mentioned – the most pressing problems these states need to solve are cross-border in nature. The advancement of Bosnia-Herzegovina would be definitely stalled: let us keep in mind that the Office of the High Representative is planned to be closed in the near future and the federation is to be given more room of manoeuvre to govern itself. If one recalls, that among the speakers of the March rally in Belgrade prior to the greatest riot recently was not only NIKOLIC and KOSTUNICA, but also MILORAD DODIK, Prime Minister of the Republika Srpska, one will see the strong links between these two entities. To this we can also add that DODIK has actually been a constant guest of each right-wing party except for the radicals in the recent electoral campaign. Not taking Croatia into consideration – on the grounds that she has a more or less clear, but at least irreversible way ahead of her towards the EU-, we see that these two countries give around 60% of the population of (potential) candidates in the Western Balkans, thus their (self-)exclusion questions the rationale of the whole enlargement process, and without stability in these two countries, there cannot be stability in the region. Should such an unfortunate situation occur, that would mean a serious blow to the EU's activities in the region, meaning basically that a significant part of the efforts it has put into stabilising the region amounts to a failure¹.

Since the stakes are so high, the EU cannot afford to sit back and wait for the results of the elections idly, but need to apply all the instruments it has at its disposal in a very clever way to convince voters in Serbia that their place is within the integration and that they are welcome to join the ever growing 'family' of European nations, and in the same time avoiding the impression that eventual encouragements it offers Serbia are to alleviate the loss of Kosovo, in other words the EU would try to 'buy' the province. It is far from being an easy task, since it requires a carefully planned and consistently implemented, credible strategy instead of haphazard ideas and sudden policy shifts. By this latter we refer to some of the actions the EU took as the status talks drew to their end and it was to be foreseen that a unilateral declaration of independence would inevitably follow the collapse of these negotiations.

The first real significant political gesture the EU took towards Serbia came with the initialling of the Serbian SAA – on 7th November 2007 – which was definitely an encouraging sign in Belgrade. Another positive message the EU sent to Serbia

¹ By what has been said above I am not suggesting that the fate of Serbia and Bosnia-Herzegovina would be tied together, but it is important to keep in mind that there are quite strong links between these two states, especially between Serbia and the Republika Srpska.

was the appearance of the Presidency Conclusions after the Brussels European Council in December 2007, in which the main decision-making body of the integration noted – right after the paragraphs dealing with Kosovo – that Serbia’s journey towards EU-membership can be accelerated, and referred not only to a possible signature of the SAA, but also to the granting of candidate status (European Council, 2007: 20). But after these developments, the relationship between Belgrade and Brussels started to deteriorate spectacularly. To illustrate the unity of the Serbs on the Kosovo-issue, the National Assembly adopted a resolution on 26th December 2007 with overwhelming majority – 220 MPs voting in favour and 14 abstaining – stating that ‘*The National Assembly orders the Serbian government that all international agreements which the Republic of Serbia signs, including the Stabilisation and Association Agreement, must be aimed at the preservation of Serbia’s sovereignty and territorial integrity*’ (National Assembly of Serbia, 2007).

It may well be that this resolution contributed to the worsening of the EU-Serbia relationship, although subsequently no explicit reference was made to this document either by the EU, or by any of its Member States. The move that was definitely harmful for the cooperation of these two players was carried out by the Dutch and Belgian governments as they invoke their veto-power to hinder the signature of the Serbian SAA, justifying their action by pointing to the absence of ‘full cooperation’ with the International Criminal Tribunal for Yugoslavia (ICTY). It is hard to believe that with better intra-EU coordination¹ such an awkward, and to some extent humiliating situation could not have been avoided. As a ‘remedial action’ the integration proposed a technical agreement to Serbia which would have included free trade arrangements and visa-free travel, which document TADIC would have signed gladly, but this time KOSTUNICA refused to accept this deal, which to some extent was understandable. After all, independently of the Kosovo issue, the EU’s behaviour could well be characterised as ‘weird’ but at least unusual in diplomatic circles, insofar as the main message of the suggestion was that ‘we wanted to have an SAA with you, but two of us have changed their minds, so let us have visa-free travel instead’. If we also take the question of

¹ It is hard to say for an outside observer whether the Dutch and Belgian governments are to blame for this failure or the Commission made a mistake when it thought that by initialling the agreement it would put enough pressure on the Council to eventually go along with it and decide to sign the SAA. It may well be that by refusing to accept the SAA, the Council wanted to send a message not only to Serbia, but to the Commission as well, letting the latter one know who is in charge and although they undoubtedly floated the possibility of acceleration, they reserved the right to ultimately determine the pace of Serbia’s progress. This second option seems to be more convincing if we assume that should 25 Member States have been determined to sign the SAA, they could have put enough diplomatic pressure on the remaining two to agree to this decision. Instead they let mainly the Dutch take the blame for this debacle, whose relationship with the region is – to put it mildly – rather controversial, insofar as it was Dutch UN-soldiers that failed to act at Srebrenica, but later these soldiers were awarded for their services in Bosnia. Seen in this light, the insistence of the Netherlands to the handing over of the main perpetrator of the Srebrenica massacre – Ratko Mladic – to the ICTY can be interpreted as if the Netherlands wished to make up for its own failure to act. Taking all this into consideration one may wonder whether it was a smart move from the side of the EU to appoint a Dutch diplomat – Peter Feith – as an EU Special Representative to Kosovo.

Kosovo into consideration, the EU-proposal can be interpreted as some sort of 'retention money' paid to offset the loss of the province¹. A KOSTUNICA well on his way to get closer to the radicals, could not allow himself to accept this proposal and thus open the way for accusations that he 'sold' the 'cradle of Serbia' for visa-free travel, even if the majority of Serbs would rather travel to any of the EU-Member States sooner than pay a however short visit to Kosovo.

Nevertheless, the Serbian refusal of the technical agreement came somehow handy for the EU – at least in the short term – since now the integration can point out that Serbia is isolating herself from Europe and it is only her fault that progress on the road to the EU is stalled. In this respect we may also note that for some time the EU seemed to feel offended by the Serbian stance, but in the same time did not seem to understand why Serbia should feel the same way. After the Serb refusal, the first reactions of various EU-officials stressed that at that time it was Belgrade's turn to give a clear sign of its European commitment and indicate that it wishes to progress on its road to the Union. This opinion was voiced not only by Commissioner REHN, saying that the EU has been 'ready to move on once Serbia is ready to do the same' (BalkanInsight; 2008), but also by JANEZ JANŠA, Prime Minister of Slovenia, the country holding the Presidency at that time (B92; 2008a). It is interesting to note, that REHN's remarks came at a press conference held to draw attention to the Commission Communication that appeared on 5th March 2008. The document itself seems to struggle to maintain the EU's credibility regarding its commitment towards Serbia, and at the same time emphasising that the integration expects deeper commitment from Belgrade, insofar as it states that '*Serbia's progress on the road towards the EU, including candidate status, can be accelerated (...). The Commission calls on Serbia to reaffirm its commitment to closer ties with the European Union.*' (Commission, 2008:7)

But the EU's stance towards Serbia went through another modification as Kostunica announced the resignation of his government, which TADIC accepted. This time the somewhat reserved and distanced standpoint was changed to a more proactive approach: ambassadors of various EU-members – at least those of Germany, Greece and Sweden – almost started racing with each other to emphasise that Serbia is more than welcome within the Union and embassies have been publishing calls for proposals to encourage the dissemination of information about the advantages of being an EU-member and even directly contacted pro-European intellectuals in Serbia with their offers. The need for Serbia to show its European commitment obviously also features in the abovementioned ambassadorial interviews and publications, but the tone has definitely changed and got more promising. It was KRISTER BRINGEUS, ambassador of Sweden to Serbia who went the furthest – only one day after the publication of the Commission Communication, as he was reported saying –: '*The tango is a dance for two, one can't dance alone. Europe makes it clear that it wants Serbia, now the Serbian government has to make it clear if it wants to con-*

¹ In this respect the initialling of the SAA itself could also be interpreted as an attempt from the side of the EU ease the problems Serbia would inevitable need to face. The difference between the two offers is that the SAA is a 'standard' instrument of the EU applied throughout the region, as agreements concerning visa-free travel can also be considered as such – thus their signing would have constituted progress made towards the EU, reflecting the achievements Belgrade accomplished. But free trade plus visa-free travel is rather an *ad hoc* instrument.

tinue its partnership with a united Europe. If it decides to do so, Serbia will become a member at the same time as Croatia, through an accelerated process.'

The lead of the article also merits word-by-word quotation, as it says: *'The Swedish ambassador says Serbia will probably join the EU between 2012 and 2015, together with Croatia.'* (B92; 2008b)

This interview went unnoticed throughout the Balkans amid the vociferous debate on Kosovo's unilateral declaration of independence, although it does contain several pieces of important information: firstly it illustrates that certain Member States are not short of far-flung promises when it comes to emphasising the EU's commitment towards Serbia. Secondly this may well be the first time that an official representing the government of an EU Member State implicitly floated the idea of a 'minor big bang' whereby the states in the Western Balkans join the integration together. Although BRINGEUS has not said explicitly that a scenario in which Croatia and Serbia joining the EU in the same time would mean that this particular round of enlargement would include other countries from the Western Balkans, it is hard to imagine a solution whereby the currently 'first and worst in class' would join together leaving the others out. Needless to say, this is far from being the best way to put forward such a delicate issue, and if the idea of this 'minor big bang' is coupled with the continued application of the allegedly 'individual merit'-based approach, the floating of such an idea can only do harm. And thirdly, BRINGEUS pretty harshly crushed Croatian dreams about joining the EU in 2009 – also throwing a different light on the positive statements made in the Commission's March Communication about Croatia's accession process.

Nowadays the EU is more actively engaged in Serbia and pays more attention to Belgrade. The question is how credible this enhanced engagement is, after the whole SAA-tantrum, which definitely showed many in Serbia that the EU is not as committed towards Serbia in its deeds as it is in its words and that the integration has a rather selective memory insofar as it points to the agreement concerning visa-free travel and free trade as a proof that Serbia is welcome to come closer to the EU, in the same time forgetting that Serbia herself was ready to move closer when it came to signing the SAA, but the door was suddenly slammed in front of her. This way, the EU has hurt its own cause firstly by providing arguments for those who wish to emphasise that the EU is not to be trusted, secondly by temporarily depriving itself of its most important instrument that can be facilitated to induce change in a country wishing to enter the club, namely the credible promise of membership, to which the SAA is basically a precondition. The SAA was finally signed with Serbia 29th April 2008, but I doubt it would deliver as much help to Tadic and other pro-European parties in the upcoming elections as it could have when signed at the first attempt, because then it would have conveyed an image of the EU as being committed to help Serbia. Now this move seems to be merely a desperate try from the side of Brussels to avoid the radicals coming to power in Belgrade and lacks any credibility. Should have TADIC been able to sign the SAA for the first time it was on the table, he could present himself as the President of Serbia under whose Presidency Belgrade managed to take a significant step towards the EU. Now everyone knows that the signature could have taken place because the EU was afraid of NIKOLIC and KOSTUNICA coming to power, and seen in this light the significance of this step is considerably smaller.

The question remains what the EU can do in the future besides making promises of questionable credibility. Regarding the Serbian elections we can say that not

much, besides of course hoping for the best and preparing for the worst. Let us hope for the best, since at the end of the day pro-European parties may well emerge victoriously after the votes are cast. Should that be the case, this will to a large extent be due to the maturity of Serbian society which elected pro-European politicians not because, but rather in spite of the way the EU dealt with Belgrade.

A forward-looking move would be a preparation of a credible strategy towards Serbia – and for the other countries in the Western Balkans for that matter – which would make haphazard decisions and *ad hoc* solutions unnecessary. A thought-over, well-founded, credible policy-paper outlining the aims of the integration regarding Serbia and the steps of the enlargement process. One may even call it a road-map. In this respect it might not be a bad idea to involve Belgrade in the drawing up of such strategy and thus ensure the commitment of the Serbian side towards Europe. Even in the absence of such a policy paper the quick and – to some extent – unpredictable changes between the application of ‘carrots’ and ‘sticks’ depending on the given situation within Serbia should be stopped as soon as possible. It is no wonder if Serbians get confused regarding the aims of the integration if the EU’s policy towards the country undergoes such radical changes in such short intervals, while Brussels expects Serbia to ‘make up its mind’.

Although the EU’s possibilities to assist Western-oriented political parties in Serbia proper are for the time being rather limited, there is another theatre where the integration can substantially contribute to the stabilisation of the Serbian political life, namely Kosovo. If there are no serious insults carried out by Albanians against Serbs in the newborn state/breakaway province – prior to the elections, but obviously also for a substantial time later on – radical Serbian politicians would definitely have a harder time to build their strategy on the nationalistic emotions of voters. In this respect one can be grateful that the months following Kosovo’s declaration of independence have passed relatively calmly: practically no mass atrocities of interethnic nature took place, there was no significant outflow of Serbians from Kosovo into Serbia proper and protests organised and attended by Serbs remained peaceful. Nevertheless, there are alarming signs that this relatively peaceful coexistence is fragile and not self-sustaining yet. On 17th March, 2008 violence erupted in a town in Northern Kosovo (Kosovska Mitrovica) between Serbs and UNMIK/KFOR and some articles in the Serb media does not seem to favour inter-ethnic reconciliation, reporting about the fourth anniversary of the 2004 pogrom and publishing articles about the UÇK having been involved in trafficking of human organs – retrieved from Serb prisoners – in 1999¹.

So whereas large-scale violence was fortunately thwarted in Kosovo after the declaration of independence and the ‘transition’ started – and so far has been – calmer than some expected, the international community must stay on guard to ensure that no serious incidents would follow. And here the EU has a prominent role to play not only by putting political pressure onto local leaders to ensure that they discourage any form of violence, but also by providing direct help both via UNMIK and later on via EULEX Kosovo.

¹ The special ‘Kosovo status’ section of B92 can be found at http://www.b92.net/eng/news/in_focus.php?id=91

III.3. Political implications of Kosovo's independence for Kosovo

As we just saw, the success or failure of the EU's stabilising efforts in Kosovo in general, and those of EULEX Kosovo in particular will have significant impacts at a regional scale, and it makes the examination of the situation at local level all the more relevant. It is beyond doubt that Kosovo needs efficient help to realize its stated aim of building 'a democratic, secular and multi-ethnic republic, guided by the principles of non-discrimination and equal protection under the law' (Kosovo Assembly, 2008: 2), and in this respect the starting conditions are rather mixed, than ultimately favourable.

On the positive side we may mention that both the US and the EU as an organisation seem to be committed in helping the newborn country via various means reaching from providing military aid to technical assistance. The fact that the transition turned out to be smoother than initially expected also contributes to raising the chances of success: the absence of mass migration of Serbs from Kosovo may indicate that those living in the south hope that this time Pristina will be able to deliver on its promises¹. On the negative side of the picture we find past experiences about the implementation of 'standards' and the lukewarm reaction of the international community as a whole to the declaration of independence². Finally we may mention another factor that definitely influences the chances of Kosovo to emerge as a respected member of the international community and the presence of which justifies providing state-building assistance to Pristina, namely the rather limited experiences of Kosovar politicians in solving complex problems. As we saw, prior to 1999 Kosovo was stripped of its autonomy by MILOSEVIC in 1989/1990. Between 1999 and 2008 more and more authority was transferred to the PISG, but the performance of these institutions has in many respects been less than satisfactory. Actually, during all these years Kosovar politicians mainly focused on the importance of independence, and whatever problem emerged, they pointed to the lack of sovereignty as its cause. In this respect we can note that the limbo surrounding Kosovo's status surely created serious limitations on the development of the territory, but it is definitely an exaggeration to state that this in itself rendered any progress on any field – somehow by definition – practically impossible. The way I see it, it was partly used as an excuse for the moderate achievements, and partly as a political instrument to exert pressure on the international community to agree to Kosovo's independence. With a bit of malice, one may also say that progress was sabotaged to reach this overarching goal: all the more so, since significant development would have proven that independence is not a precondition of moving forward.

The strategy of focusing on the question of independence as a main root of problems proved to be successful so far, but it definitely had some disadvantages, insofar as this issue eclipsed all the other major challenges which need to be faced now. As a local analyst put it prior to the Kosovo elections in 2007: 'Kosovo's politicians

¹ Obviously the situation is not that clear-cut: Serbs in the north have not migrated to Serbia proper because they reject the declaration of independence altogether and hope that Pristina's bid will fail in the end. We may also note that many Serbs who had the possibility to leave Kosovo have done so prior to the declaration of independence, so a significant part of those who 'chose' to stay simply had no alternative.

² By this we refer to the rather moderate pace at which countries recognise Kosovo's independence.

have little to offer their electorate either in terms of policies or personalities' (LIMANI, 2007). This observation underlines the importance of providing not only financial or military, but also technical assistance to local politicians and decision-makers as they try to find acceptable and effective solutions to problems that have previously been ignored, but at least not adequately addressed. The adjectives 'acceptable' and 'effective' should not be overlooked: to a large extent the greatest and most imminent challenge Kosovo needs to face after the declaration of independence is the integration of its minorities. Failure to do so would definitely result in stalling the already slowed-down recognition process and would make Kosovars hoping for living in a multiethnic, peaceful society realise that they ended up being stakeholders of a frozen conflict which destabilises the whole region. Needless to say, successful solution of this issue would with all probability result in an opposite outcome.

Taking this dimension of the question into consideration, we need to note that neither local politicians, nor the international administration as such can be proud of their record. By this remark we are referring to the question of the so-called 'Standards for Kosovo', which have been created to provide an incentive for Kosovar politicians to enhance their efforts aimed at – among others – transforming the segregated, economically backward local society into a democratic and prosperous one¹. The history of these Standards reveals that the victory Kosovar politicians gained by focusing solely on the question of independence and eventually gaining it may in the end prove to be a Pyrrrian one. To keep a long story short, we can say that the Standards were introduced under SRSG Steiner in 2002, with the aim of increasing the willingness of Kosovars to cooperate with the UNMIK, by promising them that in case certain criteria are met, the question of Kosovo's status can be put on the agenda². In principle it seemed to be a good solution insofar as it simultaneously addressed the concerns of both Kosovo Serbs – by emphasising that human rights must be respected and upheld by Pristina – and those of Albanians, – by promising the launch of status negotiations. Problems regarding the 'standards' arose during the implementation phase.

As time went on, it became clear that there was also some confusion within UNMIK what the nature of these 'Standards' are, i.e. whether they should be looked upon as a set of strict criteria, are they more akin to benchmarks, where more flexibility can be applied upon interpretation, or are they mere guidelines which described a desired end-state³. The wording of an UNMIK-leaflet suggests that these are strict criteria, saying right at the beginning of the document that it 'sets out the standards that Kosovo *must* reach' (UNMIK 2003: 3 – emphasis added). Nevertheless, reading through the publication one immediately sees that these requirements are definitely overambitious – insofar as even some current EU-members would fail to comply with all of them, let alone the poorest, war-torn part of an ex-socialist country – and some are rather hard to measure in an unambiguous way.

This may partly be the reason that after some initial enthusiasm and first steps taken to realise these standards, the reform-process in Kosovo slowed down and eventually stalled. Another reason may have been that reaching an end-state outlined by the 'standards', would basically have required Kosovar society to undergo radical transformations in all areas of life, which is obviously impossible not only in

¹ For a short overview of the 'Standards' see: UNMIK (2003).

² Hence the slogan: 'Standards before Status'.

³ Interview with UNMIK-official, November 2007.

the short –, but also in the medium-term. For a brief moment we may also assume the impossible, and imagine a hypothetical case, where UNMIK and PISG working shoulder to shoulder manage to bring around a Kosovo outlined in the ‘standards’ by the end of 2005. Should such level of development have been reached, Kosovo would have needed to start negotiations with the EU regarding its eventual accession, and not with Belgrade regarding its future status¹. The realisation of this crushed Kosovar hopes for a quick start of negotiations, the ‘standards-process’ quickly lost credibility and desperation took the place of hopes².

Facing this situation, the international community obviously needed to change its policy, which to a large extent meant in fact the erosion of the ‘standards’. Not long after the events of March 2004, KAI EIDE, Special envoy of UNSG Annan reviewed the situation and in his report (Annan, 2004) suggested prioritising, and to a certain extent fine-tuning the ‘standards’ process. The aim of prioritising is to make sure that efforts would not be fragmented in simultaneously trying to accomplish all the standards, whereas that of a fine-tuning is to set more realistic and achievable targets. On the question of what the most important areas should be, EIDE noted that ‘*After the March events, the initial focus must be placed clearly on return and reconstruction, decentralization/local government, security and standards directly supporting such priorities.*’ (Annan, 2004: 15).

In this respect we can note that the international community and the Kosovar society clearly failed to deliver on their promises. After March 2004, the return-process suffered a huge blow, and this large-scale inter-ethnic violence basically destroyed all the momentum the return-process gained during previous years. So in short the re-focusing of the ‘standards’ did not bring about any significant improvement, and in his second report the special envoy needed to note that ‘*There will not be any good moment for addressing Kosovo’s future status. It will continue to be a highly sensitive political issue. Nevertheless, an overall assessment leads to the conclusion that the time has come to commence this process.*’³ (ANNAN, 2005: 4)

The ‘standards process’ was not altogether forgotten of course, but the policy of ‘standards before status’ was definitely dropped. One may ask why we have dealt so much with the ‘standards’ when the stated aim of this sub-chapter was to examine what political implications may Kosovo’s independence have on Pristina. The point I wished to make with this brief overview was that the international stewardship may have hurt Kosovo’s cause, insofar as the policies applied by it may have had a

¹ ‘Standard Nr. I.’ is ‘Functioning democratic institutions’; ‘Standard Nr. II.’ is ‘Rule of law’, saying that ‘*[t]here exists a sound legal framework and effective law enforcement, compliant with European standards. Police, judicial and penal systems act impartially and fully respect human rights*’ (UNMIK 2003: 7). ‘Standard Nr. V.’ is ‘Economy’, where it is stated that ‘*[t]he legal framework for a sustainable, competitive market economy is in place and implemented.*’ (UNMIK 2003: 12). As we can see these ‘standards’ are not far from the Copenhagen Criteria, which is also reflected by the fact that since October 2005 the ‘standards process’ and Kosovo’s European integration process are actually dealt with in the framework of a single action plan. (UNMIK 2006)

² This desperation emerged to the surface from time to time and translated into violence against local Serbian communities; the most intensive and well-known event having been the pogrom of March 2004.

³ In this respect it is interesting to note that the second Eide report contains the same argumentation as the one written by Ahtisaari, namely that although certain conditions have not been met, political realities leave no choice but to move forward.

perverted socialising effect. The history of the 'standards' – among other things – sent a message to Kosovar politicians. A message that has said: it is acceptable if they do not do their job, but direct all their energies on dealing with issues they are not supposed to deal with. Furthermore, if they are impatient with the pace their cause is advancing, violence is a useful tool to speed things up, and if the international community sees that even after it has condemned the violence in various statements, cooperation – neither with internationals, nor with Kosovo minorities – is not to materialise, in the end it will accept 'political realities'.

In this respect we may also note that Kosovo Albanians are not necessarily violent by default of course, and the method of using violence and a moderate level of cooperation as an effective tool to advance their aim can also be looked upon as a lesson the international community taught them. After all, the initial stance of Kosovo Albanians at their recent quest for independence was that they would like to obtain it facilitating peaceful instruments and promoting democratic means. It was only after the failure of this method – the most prominent supporter of which has been IBRAHIM RUGOVA –, that the Kosovo Liberation Army gained widespread support among local society. In my opinion, it is to a large extent the responsibility of the international community if Kosovars came to see violence and segregation as – basically the only – useful tool to achieve their aim. Now it will be all the harder to persuade them to return to the path they have somehow left when RUGOVA has become sidelined.

So, as a conclusion we can mention that there is definitely a need for providing technical assistance to Kosovar politicians and decision makers, and EULEX Kosovo has the potential of delivering this support on the field of rule of law. Obviously, it is yet to be seen how this potential would materialise, but it is not hard to see that an eventual failure would have serious repercussions throughout the region, and may not only slow the enlargement process down, but could stall it for years. In a worst case one may also imagine that 'failure to deliver' could also lead to the spread of instability, insofar as a rather low level of rule of law in Kosovo would contribute to the worsening of the situation on the ground, and that could contribute to the situation deteriorating in Serbia proper, in Bosnia-Herzegovina or Macedonia.

In this respect the way the EU has been dealing with the Kosovo-issue does not justify high hopes. Member States spectacularly failed to forge a unified stance on the issue of Kosovo's independence after 17th February 2008, and on its 'future status' during the status talks, and although no Member State vetoed the launch of EULEX Kosovo, the mission would definitely have a more favourable environment to carry out its job if national capitals could agree on whether to look upon Kosovo as a sovereign state, or rather as a breakaway province attempting to gain independence, but whether or not it would be granted to it is an open question. In this respect Brussels seems to hope that differences in opinions regarding the issue of recognition can be overcome when it comes to operational, practical questions. It may well be of course, but it is far from being automatic. It requires decision-makers to realise what is at stake, evaluate the situation at least approximately the same way and be ready and willing to make compromises for the sake of raising the effectiveness of the mission – and of all other EU-activities, for that matter. The case of the Serbian SAA provides an illustration that turf wars and lack of intra-EU coordination do not translate into minor problems of policy implementation but may even result in derailment of the whole integration process. Let us not hope it would come to that either in the case of Serbia proper or Kosovo. For it is also our interest to stabilise the Balkans.

ANNEX I

RESOLUTION 1244 (1999)

Adopted by the Security Council at its 4011th meeting, on 10 June 1999

The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998 and 1239 (1999) of 14 May 1999,

Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,

1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;
2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the

- full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;
3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronized;
 4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;
 5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presences;
 6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner;
 7. Authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;
 8. Affirms the need for the rapid early deployment of effective international civil and security presences to Kosovo, and demands that the parties cooperate fully in their deployment;
 9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:
 - (a) Deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;
 - (b) Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;
 - (c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;
 - (d) Ensuring public safety and order until the international civil presence can take responsibility for this task;
 - (e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;
 - (f) Supporting, as appropriate, and coordinating closely with the work of the international civil presence;
 - (g) Conducting border monitoring duties as required;
 - (h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations;

10. Authorizes the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic selfgoverning institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;
11. Decides that the main responsibilities of the international civil presence will include:
 - (a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);
 - (b) Performing basic civilian administrative functions where and as long as required;
 - (c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;
 - (d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peacebuilding activities;
 - (e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);
 - (f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;
 - (g) Supporting the reconstruction of key infrastructure and other economic reconstruction;
 - (h) Supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid;
 - (i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;
 - (j) Protecting and promoting human rights;
 - (k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;
12. Emphasizes the need for coordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organizations and to cooperate with such organizations so as to ensure the fast and effective delivery of international aid;
13. Encourages all Member States and international organizations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasizes in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;
14. Demands full cooperation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;
15. Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarization

- as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;
16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presences;
 17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;
 18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;
 19. Decides that the international civil and security presences are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;
 20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences, the first reports to be submitted within 30 days of the adoption of this resolution;
 21. Decides to remain actively seized of the matter.

Annex 1

Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;
- Comprehensive approach to the economic development and stabilization of the crisis region.

Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:

1. An immediate and verifiable end of violence and repression in Kosovo.
2. Verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosovo under United Nations auspices of effective international civil and security presences, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.
4. The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.
5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.
6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:
 - Liaison with the international civil mission and the international security presence;
 - Marking/clearing minefields;
 - Maintaining a presence at Serb patrimonial sites;
 - Maintaining a presence at key border crossings.
7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organizations.
8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of UCK. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.
9. A comprehensive approach to the economic development and stabilization of the crisis region. This will include the implementation of a stability pact for South-Eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional cooperation.
10. Suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are specified in the footnote below.¹ A military-technical agreement will then be rapidly concluded that would, among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosovo:

Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawn;
- Returning personnel
- Equipment associated with returning personnel;
- Terms of reference for their functional responsibilities;
- Timetable for their return;
- Delineation of their geographical areas of operation;
- Rules governing their relationship to the international security presence and the international civil mission.

Notes

1. Other required elements:

- A rapid and precise timetable for withdrawals, meaning, e.g., seven days to complete withdrawal and air defence weapons withdrawn outside a 25 kilometre mutual safety zone within 48 hours;
- Return of personnel for the four functions specified above will be under the supervision of the international security presence and will be limited to a small agreed number (hundreds, not thousands);
- Suspension of military activity will occur after the beginning of verifiable withdrawals;
- The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.

ANNEX II

Ethnic map of Kosovo¹



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TÁVOLSÁGTARTÁS

Az Európai Bizottság 2007. novemberi „Progress Report”-jai a nyugat-balkáni országokról

1. BEVEZETŐ MEGJEGYZÉSEK

A Nyugat-Balkán (amely a volt Jugoszlávia némileg eufemisztikus elnevezése, Szlovénia kivételével, és általában Albánia hozzáadásával, bár ez utóbbtól most eltekintünk),¹ *fehér folt* Európa politikai térképén. Bulgária és Románia uniós csatlakozásával ugyanis a kör szó szerint bezárult. A térséget kizárólag az EU tagállamai veszik körül. Találébb úgy fogalmazni, hogy – a szovjet utódállamokat figyelmen kívül hagyva – a Nyugat-Balkán Európa egyetlen olyan „szigete”, amely kimaradt az euroatlanti rendszerből. Ez önmagában is *biztonságpolitikai vákuumot* jelent. Horvátország uniós csatlakozásának időpontja, amely „megtörné” e kört, egyelőre bizonytalan. A térség többi országáról még ezt sem lehet elmondani. Mondhatnánk viszont: *nem „csatlakozásérett”* országokról van szó, amelyek egyelőre jogosan maradnak a „családon” kívül. A bolgár és a román példa alapján azonban e megállapítással kapcsolatban is felmerülhetnek bizonyos kétségek. Igaz, az „éretlenségnek”, tehát az uniótól való „távolságnak” is vannak fokozatai, s a térség több országa nagyon messzire van az egyre inkább „többkörössé” váló unió legkülső körétől is. Kérdés az is: elbírná-e az *uniós költségvetés* a „szegény országok” újabb csoportjával történő bővítést?

Másfelől azonban, ha számos új, vagy legújabb tagállam esetében nem lehet nem észrevenni a *politikai megfontolásokat*, ezek, úgy tűnik, nem játszanak *döntő szerepet* a *nyugat-balkáni országok* esetében, holott itt volna csak igazán szükség azok figyelembe vételére. A térség szinte földrészünk *központi helyén fekszik*, számtalan helyi háború és egy világháború kitörése közvetlenül hozzá köthető, a második világ-

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¹ Vö.: dr. Szűcs R. Gábor: „Furcsa párok...” EU Working Papers 2/2006. 69.old.



1. ábra
A Balkán országai

égésnek (a keleti fronttól eltekintve) talán a legvéresebb harcai dúltak itt, nem beszélve a szocialista rendszer összeomlása utáni időszak egyetlen európai háborújáról, melynek valódi méreteit és iszonyatát Európa mintha akkor és azóta sem akarná

teljesen felmérni. Az egyik nyugat-balkáni ország volt az egyetlen Európában, amely ötvennégy évvel a második világháború után, termelő kapacitásának és infrastruktúrájának csaknem teljes pusztulása árán megtapasztalhatta a világ legkorszerűbb haditechnikájának csapásmérő erejét (s előzőleg persze MILOŠEVIĆ rémtetteit). Ha a Nyugat-Balkán valóban ilyen (az ismert közhellyel szólva) „lőporos hordó”, vagy még inkább *időzített bomba*, akkor mit tesz az EU a „hatástalanítás” érdekében? Tekintsük át, választ adnak-e ezekre a kérdésekre, hogyan kezelik ezt a problémát az EU Bizottság 2007 novemberében készült, a nyugat-balkáni országokról szóló *Progress Report*-jai.¹ (A továbbiakban: *Jelentés* vagy *Jelentések*.)

Elemzésünket *országoként* végezzük el. A térségben ugyanis egyaránt van tagjelölt, sőt, csatlakozási tárgyalásokat folytató, de (és ez a másik véglet) olyan ország is, amelynek az EU-val még hatályos *Társulási és Stabilitási Megállapodása* (Stabilisation and Association Agreement, SAA) sincs. Elemzésünk során törekszünk követni a *Jelentések* eredeti szerkezetét, tematikai sorrendjét. Cikkünk végén néhány összefoglaló megállapítást teszünk arra, kialakul-e a látottak alapján értékelhető, egységes kép a térségről.

2. ORSZÁGONKÉNTI HELYZETELEMZÉS A JELENTÉSEKBEN

2.1. Szerbia²

A Jelentés bevezetőjében kiemeli JELKO KACIN szlovén politikus, az Európai Parlament illetékes raportőre által adott információk fontosságát. Itt mindjárt megjegyezzük: a Jugoszláviával kapcsolatos szlovén szakértelem, több mint hét évtizedig maga is része lévén ennek az országnak, nem vonható kétségbe. Ám az objektivitás, éppen emiatt számos vélemény szerint már nem minden vonatkozásban vehető ilyen biztosra.³ Bár e dolgozatnak nem tárgya, szinte önként adódik a (költői) kérdés: nem lenne-e célszerű *Magyarországnak*, mint a térséget jó ismerő szakértőkkel rendelkező, ám kétségkívül elfogulatlan (mert „kívülálló”) országnak *aktívabb szerepvállalásra* törekednie e tekintetben.

A bevezetés Szerbiát „*potenciális tagjelöltként*” említi. Az ehhez vezető út első állomásának tekinthető SAA feltételeként a hágai *Nemzetközi Büntető Törvényszékkal* (International Criminal Tribunal for the former Yugoslavia, ICTY) való *teljes körű együttműködést* („full cooperation”) jelöli meg.⁴

A stabilizációs és társulási folyamat (Stabilisation and Association Process, SAP) legfontosabb eredményének a *SAA tárgyalások 2007. júniusi újra felvételét* nevezi meg, elismerően szólva a *szerb delegáció felkészültségéről*. Az EU a szerb vezetés számára az *Európai Partnerség* (European Partnership) keretében adott, a prioritásokat tartalmazó útmutatót, amelyeket a *Kibővített Állandó Párbeszéd* (Enhanced Permanent Dialogue, EPD) során folytatott tárgyalásokon kísér figyelemmel. A bevezetés kiemeli a 2007 szeptemberében Szerbiának adott *vízumkönnyítéseket*, továbbá azt a tényt, hogy az *IPA* előcsatlakozási alap keretében 2007 folyamán 164,8 millió EUR, a Demokratikus és Emberi Jogok Európai Kezdeményezése (European

¹ Commission Staff Working Documents SEC (2007) 1430, 1431, 1432, 1433, 1434, 1435.

² Commission Staff Working Document: Serbia 2007 Progress Report SEC (2007) 1335, COM (2007) 663, Brussels, 6.11.2007.

³ L. (többek között): Lipovecz Iván: „Vaku”. Élet és Irodalom, 2008. január 11., 6. old.

⁴ Commission Staff Working Documents... 4. old.

Initiative for Democratisation and Human Rights, EIDHR) révén pedig 1,5 millió EUR pénzügyi segílyt folyósítottak az országnak. Összeg említése nélkül hangsúlyozza a CARDS program szerepét, továbbá megemlíti, hogy 2007 júniusában Szerbia csatlakozott az EU VII. Kutatási Keretprogramjához.

A *politikai kritériumokról* a jelentés legfontosabb megállapításai az alábbiak:

Demokrácia és jogrend: tapasztalható bizonyos haladás a 2006 novemberében hatályba lépett új, a korábbinál több demokratikus garanciát tartalmazó *alkotmány* alkalmazásával kapcsolatban. A 2007. januári *parlamenti választások* „szabadnak és tisztának” tekinthetők. A jogalkotás azonban még mindig olyan mértékben kötődik a napi pártpolitikához, hogy az nem felel meg „az európai normáknak”.¹ Túlzott mértékű a közvetlen pártérdekek érvényesítése. A sorok között olvasva jól érzékelhető, hogy a Jelentés nem is annyira ezt a tényt, hanem azt kifogásolja, hogy e jelenség túlságosan szembetűnő.

Ennél fontosabbak azonban a *politikai stabilitásról* írottak. Ez ugyanis nem egyszerű „fejcsóválás”, hanem az ország nemzetközi megítélését, egyebek közt a *külföldi tőke* érdeklődését, nem ritkán közvetlen vállalati/üzleti döntést meghatározó tényező. Erről a Jelentésnek *nincs jó véleménye*. Amint azt a későbbi események is igazolták, a Szerb Radikális Párttal (SRS) szembeni erők között sincs egyetértés, s kétséges, hogy lehet-e egyáltalán az ilyen erőkről, mint egységes demokratikus blokról beszélni. A Jelentés kiemeli, hogy a politikai stabilitás hiánya megbénította a parlamenti bizottságok, így tulajdonképpen a törvényhozás tevékenységét.

A *kormány* munkáját a Koszovó státuszával kapcsolatos folyamat lényegesen lassította, de pozitívum, hogy az SAA tárgyalások újra indítását követően, 2007. augusztusban sikerült javított Európai Partnerségi Akciótervet és az uniós *acquis* átvételére vonatkozó *jogharmonizációs tervet* kidolgoznia. Az állami adminisztrációt illetően jelentős fejlemény, hogy 2006 végétől nyílt pályázat hirdeti meg a vezetői posztokat, 2007-ben rendezték a köztisztviselői béreket, 2008. elején pedig szabályozták a politikailag kinevezett vezetők bérezését. *Európai Integrációs Iroda* költségvetése és létszámkerete bővült, s ez akár jelzésnek is felfogható a szerb vezetés részéről az integrációs szándékot illetően. A Jelentés a Szerbiában (és a mindenkor Jugoszláviában) hagyományosan nagy szerepet betöltő *hadserg civil ellenőrzése* tekintetében is haladást állapít meg, ám megjegyzi, hogy ez még „tesztelésre” szorul.²

A *legcsekélyebb* pozitív változás a *korruptió* visszaszorítása tekintetében volt tapasztalható, holott ez az unió számára az egyik legfontosabb ügy. „A korruptió általánosan elterjedt, és továbbra is komoly problémát jelent”, írja a Jelentés,³ utalva arra, hogy e bűncselekmény elleni harc csupán papíron létezik. Hiányzik a megfelelő pénzügyi-számviteli *ellenőrzés*, nem eléggé átláthatóak a *közbeszerzések*, sőt, a parlamenti működési kiadások sem.

A *nemzetiségi-kisebbségi jogok* érvényesítése a Jelentés szerint javult ugyan, ám az ennek vizsgálatára hivatott Köztársasági Kisebbségi Tanács 2006 óta nem tartott ülést. A *vajdasági* helyzetet is javulónak értékeli, amelyet „az incidensek csökkenő száma jellemez”.⁴ Nem szól azonban az ezeket kiváltó *okokról*, főként arról, hogy az utóbbi éviztetben jelentősen *megváltozott a Vajdaság nemzetiségi összetétele*, s ez

¹ U.o. 6. old.

² U.o. 9. old.

³ U.o. 11. old.

⁴ U.o. 15. old.

valószínűleg összefügg az évtizedek óta etnikai szempontból nyugodt, békés térségben új jelenségként tapasztalható incidensekkel. Az újonnan ide települtek és/vagy menekültek zöme (bár helyzetük természetesen tragikus), ugyanis soha nem élt harmonikusan működő többkultúrájú közösségekben, s nehéz elfogadnia ezt, a számára szokatlan közeget. Ennek említése legalább néhány sort megérdemelt volna a Jelentésben. Feszültnek tekintik viszont az albán–szerb ellentétek miatt *Dél-Szerbia* és a muzulmán–szerb viták következtében a *Szandzsák* helyzetét, kétségkívül megalapozottan. Ha kezeletlenek maradnak, e problémák hosszabb távon elmérgesedhetnek, és az egész térség stabilitását veszélyeztethetik.

A témakör két *legnagyobb gondja* a *menekültek* és a *romák* ügye. 2008 elején hivatalosan 104 000 menekültet és 208 000 ügynevezett „belföldön áthelyezett személyt” tartottak nyilván.¹ Utóbbiak szintén menekültek, ám Szerbián belül voltak kénytelenek lakhelyet változtatni (legtöbbjük nyilván Koszovóból, de persze akadtak bőven máshonnan is, zömmel etnikai ellentétek, illetve egzisztenciális okok miatt). Ez *hatalmas gazdasági megterhelést* jelent Szerbiának, ám a Jelentés, meglehetősen nagyvonalúsággal csupán az *adminisztratív* és a *politikai* gondokat említi.²

Pozitívum viszont, hogy határozottan kiáll a *roma népesség* jogai mellett, felsorolja a hiányosságokat és a teendőket, nem feledkezve meg a *gazdasági vonatkozásokról* sem. Ezek közé tartozik, hogy a romák az átlagnál nehezebben szerzik meg a munkavállaláshoz és a társadalombiztosításhoz szükséges okmányokat, a roma gyermekek 80%-a szenved megkülönböztetéstől, nem járhat közösségbe, ami ugyancsak megnehezíti a szülők munkába állását. A szerbiai roma gyerekek csak mintegy harmada fejezi be általános iskolai tanulmányait, s ez a jövőre nézve is súlyos problémát jelent.³

Szerbia kapcsolatát a *szomszédos, illetve térségbeli országokkal* (Magyarországot is beleértve) általában harmonikusnak nevezi a Jelentés⁴, bár természetesen megemlíti a szerb–albán ellentéteket, továbbá azt a tényt, hogy a srebrenicai (Bosznia-Hercegovina) vérengzés fő felelőseit még nem kerítették kézre.⁵ Kiemeli, hogy *Horvátországgal* és *Bosznia-Hercegovinával* még nem kötöttek a *határok* megállapításról szóló egyezményt. Fontos azonban, hogy 2007 szeptemberében ratifikálták a Közép Európai Szabadkereskedelmi Társuláshoz, a *CEFTA*-hoz történő csatlakozási megállapodást, ami jelentős lépés az integrációhoz vezető folyamatban.

A *gazdasági növekedés* viszonylag gyors: bár a 2006-os 5,7% fél százalékponttal volt kisebb, mint az előző évi, 2007 első felében a GDP ismét gyorsabban, 8%-kal emelkedett. Azért ne legyenek illúzióink: az *egy főre jutó GDP* (nem vásárlóerő-paritáson; erre vonatkozóan a Jelentés nem közöl adatot) mindössze 3.434 EUR volt. Az *ipari termelés* ugyanebben az időszakban 5,1%-kal növekedett. Sokatmondóak az egyensúlyi jellegű mutatók: a *külkereskedelmi mérleg* mintegy 5 milliárd EUR passzívuma 2006-ban a GDP 19,6%-a, az import exportfedezettsége mindössze 58% volt. A GDP 13%-át kitevő *külföldi közvetlen tőkeberuházások* (FDI) ezt

¹ U.o.

² U.o.

³ U.o. 16. old.

⁴ U.o. 17-19. old.

⁵ Ezzel a témával kapcsolatban az érdeklődők figyelmébe ajánlom Petrócz György: „Kinek a cinizmusa?” című cikkét F. Hartmann újságíró „Paix et Châtiment” (Béke és bűnhődés) című könyvéről (Élet és Irodalom 2008. február 8., 6. old.).

jórészt pótolták, ám éppen e tény jelzi, hogy az ingatag politikai helyzet milyen mértékben gyakorolhat hatást a gazdaságra. Ha e tőke elbátortalanodik, a külső egyensúly veszélybe kerül. Ennek fényében még inkább érthető, mit jelenthet Szerbiának az az orosz döntés, hogy a *Déli Áramlat* földgáz-vezeték nyomvonala az országon keresztül húzódhat: a beruházás, a tranzitdíj mellett a kapcsolódó létesítmények vonzerejét is jelenti, pozitív üzenetet jelenthet másoknak is.

Aggasztó viszont a *foglalkoztatottság* helyzete. A 17,8%-os átlagos munkanélküliségi ráta önmagában is kissé ijesztő, ám tekintetbe véve, hogy a 24 év alattiak körében ez az arány 49% volt 2006-ban, már tragikusnak is mondható. Sokat idézett adat, hogy a szerb fiatalok háromnegyede soha nem járt külföldön: a vízumkényszer szinte lehetetlenné teszi a munkanélküliség kifelé történő levezetését,¹ ami pedig bevett módszer volt például a titói Jugoszláviában.

A *pénzügyi politikát* a Szerb Nemzeti Bank folyamatos, gazdaságélénkítő *kamatcsökkentése* jellemezte. Az irányadó kamatláb 2006 szeptemberétől 2007 májusáig több lépésben, 18%-ról 9,5%-ra mérséklődött. Az *infláció* 2006-ban 12,7% volt (2005: 17,3%), 2007. augusztusában pedig már 6% alatti éves áremelkedést prognosztizáltak. A Jelentés szerint „az infláció csökkenése hozzájárult a gazdasági szereplők környezetének biztonságához”.² Az állami szektorban, az említett rendezés miatt olyan mértékben nőttek a bérek, hogy az állami kiadások a 2007-es költségvetésben 41,4%-kal (!) nagyobbak az előző évinél. Ehhez hozzájárulnak a közületi beruházások is, de a bérkiáramlásánál jóval kisebb mértékben. Így a 2007-re előre jelzett, egyensúlyoz közeli *költségvetési helyzetet* (a GDP arányos deficit 0,5%) inflációnövelő, keresleti nyomást jelentő tényezők lényegesen ronthatják. Ez a veszély a 2007-es elnökválasztások kapcsán még növekedhet is. A GDP 17,9%-ának megfelelő (2005-2006: kb. 16%) *beruházások* kereslete is inflációs nyomást jelenthet.

A gazdasági kritériumok között a Jelentés a *működő piacgazdaság* követelményeit tartja a legfontosabbaknak. 2006 decemberében a szerb kormány benyújtotta az Európai Bizottságnak első, 2007-2008-ra vonatkozó gazdasági és fiskális programját, s a Jelentés ennek teljesítésétől a konvergencia felgyorsulását reméli. A folyamatról a valamint az EU követelményeihez való közeledésről a Jelentés a következő, fontosabb megállapításokat teszi:³

- A *gazdaság szerkezete* csak lassan korszerűsödik. A *szolgáltatások* a GDP 41,6%-át adják, ami meglehetősen alacsony arány. A *mezőgazdaság* részaránya a GDP-ből 10,9%, ami viszont nagyon magas, de például Lengyelország helyzetét felidézve elvileg nem lehet akadálya az EU-hoz való közeledésnek, igaz, kissé ijesztő, hogy a foglalkoztatottak 20,5%-a dolgozik az ágazatban, melynek reformját a WTO-val folytatott csatlakozási tárgyalások is kikényszerítik. A szocializmusra jellemző (és számos jugoszláv utódállamban még létező) nagyvállalati dominancia viszont megszünt: a foglalkoztatottak 60%-a az összes gazdálkodó egység 99%-át kitevő *kis- és középvállalatoknál* dolgozik. Bár a Jelentésben nem szerepel, ebben nyilván az is közrejátszik, hogy az 1999-es bombázások által szinte eltörölt nagyipar (fém-, vegyi, elektronikai ipar, gépjárműgyártás stb.) még mindig nem tért magához.

¹ A felsorolt, a szerb gazdaságra vonatkozó valamennyi adat forrása: „Commission Staff Working Documents...” i.m.19-25 old.. és az ahhoz csatolt Annex (Függelék). Az értékelő megjegyzések, kiegészítések tőlem származnak - SzRG.

² U.o. 21. old.

³ U.o. 23-34. old.

- Szerbia *legnagyobb kereskedelmi partnere az EU*. 2007 I.-VII. hónapjában részaránya a szerb exportból 53, az importból 58% volt. Ez ugyan nem éri még el az általában „integrációs küszöbnek” tartott 2/3-ot, de már nincs tőle „csillagászati” távolságban. Igaz, a román és bolgár csatlakozás is módosította az adatot.
- Az *egységes belső piaci* követelmények közül a Jelentés szerinti haladás a *szabványosítás* terén mérsékeltnek mondható. Bár a 2007 elejétől hatályos új szabványokat a CEN (European Committee for Standardisation, Európai Szabványügyi Bizottság) és a CENELEC (European Committee for Electrotechnical Standardisation, Európai Elektrotechnikai Szabványügyi Bizottság) partnereként, illetve társult tagjaként működő szerb Szabványügyi Hivatal (Insitut za Standardizaciju Republike Srbije, ISRS) dolgozta ki, gyakorlati bevezetésük még a jövő feladata. Nincs előrelépés a *piacfelügyeleti szervezet* létrehozása terén (nem létezik az uniós értelemben vett minőségellenőrzés sem), *fogyasztóvédelem* pedig, a Fogyasztóvédelmi Tanács 2007. januári megalakulásával is csak papíron létezik.
- A *személyek és szolgáltatások szabad mozgása*, valamint a *vállalatalapítás* szabadsága terén sincs ok elégedettségre. A Jelentésben erre vonatkozóan szereplő „limited progress”¹ („korlátozott mértékű haladás”) az elégedetlenség kulturált kifejezése. Noha havonta mintegy ezer új vállalat jön létre, ezek nyilvántartása, a munkavállaláshoz kapcsolódó társadalombiztosítás adminisztrációja, a különféle engedélyek kiadása (főként önkormányzati szinten) rendkívül bizonytalan és nehézkes. Megjegyzendő, hogy erről a Szerbiában letelepedni kívánó külföldi cégek is rendszeresen panaszkodnak, mi több: elriasztó tényezőként említik.
- A *tőke szabad mozgása* terén a Jelentés nem köntörfalaz: megállapítja, hogy e vonatkozásban „Szerbia még nem érte el az SAA megállapodásban rögzített szintet”,² főként azért, mert az elfogadott jogszabályokat nem ültette át a gyakorlatba.
- Az *adózás* vonatkozásában viszont érzékelhető előrelépés, s bár megerősítésre szorul, működik az intézményrendszer. A *többi területen* (verseny, közbeszerzések, szellemi jogok védelme, kutatás-fejlesztés, szociálpolitikai és oktatásügyi vonatkozások) a Jelentés sem bocsátkozik részletes elemzésbe, ám ezekkel kapcsolatban ugyancsak a „*korlátozott mértékű haladást*” említi, hangsúlyozva, hogy „további, jelentős erőfeszítésekre van szükség”.³
- A *szektorális politikák* fejezet legfontosabb megállapításai: a 2007–2015-re szóló energetikai fejlesztési program kidolgozása, a 2007–2010-es, az inkubátorházak és klaszterek, valamint ipari övezetek és parkok kiépítésre vonatkozó program kidolgozása igen jelentős esemény (a dél-szerbiai nagyvárosban, Nišben meg is kezdte működését egy inkubátorház). A *környezet- és természetvédelem* terén azonban nem volt előrelépés, sőt, hiányoznak az ilyen irányban tett intézkedések is.

¹ U.o. 27. old.

² U.o. 28. old.

³ U.o. 29-30. old.

2.2. Koszovó¹

A Jelentés a rend kedvéért már a bevezetésben szól a tartomány *különleges helyzetéről*. Érzékelteti: az anyagot az ENSZ BT 1244. számú határozata alapján *különítették el Szerbiától*, s közli azt a tényt, hogy ennek értelmében a koszovói közigazgatást az UNMIK (United Nations Interim Administration in Kosovo) irányítja, s a döntéseket az *ENSZ főtitkár különleges megbízottja* hozza.² Ismerteti az EU részvételével az ENSZ keretében a tartomány státuszának rendezésére tett (eredménytelen) erőfeszítéseket.

A Jelentés hangsúlya, annak tárgyánál fogva a *segítségnyújtáson*, illetve az ehhez kapcsolódó különféle programokon van. Lényeges megállapításit az alábbiakban foglaljuk össze.

Koszovó részt vesz az EU-val kialakított *stabilizációs és társulási folyamatban*, melynek együttlését (Stabilisation and Association Process Tracking Mechanism, *STM*) legutóbb 2007 márciusában Pristinában tartották. Ennek során főként a törvényhozásra, a jogharmonizációra a nemzetközi közösség ismert kifejezésével élve a „jó kormányzásra” (good governance) koncentráltak.

Az EU segítséget nyújt Koszovónak a prioritások kialakításához a Szerbiánál már említett *Európai Partnerség* révén is. Ennek eredményeit az STM keretében kísérik figyelemmel. Az Európai Partnerségi Akcióterv, amely ennek gyakorlati lépéseit tartalmazza, 2006 augusztusa óta van érvényben.

A leglényegesebb azonban a *gazdasági/pénzügyi segítségnyújtás*. 2007 az IPA előcsatlakozási alap első éve volt Koszovó számára; ennek során a tartomány 68,3 millió EUR-hoz jutott. Az IPA eszközeiből főként a már említett „humán infrastruktúra” létrehozását finanszírozzák. A CARDS program keretében 80 projektum kapott, összesen 170 millió EUR-t. Ezek elsősorban a civil társadalom megteremtését szolgálták, ami a gyakorlatban a különféle civil szerveződések létrejöttéhez nyújtott támogatást jelentett. Végrehajtását az *Európai Újjáépítési Ügynökség* (European Agency for Reconstruction, EAR) ellenőrzi, amelynek összekötője van Pristinában. Az Európai Tanács fentiekén kívül 2007-ben 50 millió EUR rendkívüli költségvetési segítyt hagyott jóvá Koszovó számára. Ez a vonatkozó memorandumban szereplő, a költségvetéssel összefüggő követelmények teljesítése után válik operatívá. 2007 februárjában az ideiglenes koszovói önkormányzat (Provisional Institutions of Self Governance, PISG) *donor koordináló szervezetet* hozott létre. Ebben nem is olyan rejtett módon az a tény tükröződik, hogy a különféle segélyszervezetek szinte *egáltalán nem működtek együtt egymással*, ami lényegesen csökkentette tevékenységük hatékonyságát.

A *politikai kritériumokat* csak érintőlegesen említjük, nem annyira a terjedelem, mint inkább amiatt, hogy ezek vagy a gazdasági tényezők függvényei, vagy nagyon hasonlóak a térségre vonatkozó többi Jelentéshez. Ezért inkább az egyedi jelenségekre koncentrálnunk. A Jelentés megállapítja, hogy a koszovói nemzetgyűlés szerb nemzetiségű tagjainak zöme nem vesz részt a plenáris üléseken, ami már önmagában is mélyen húzódo problémára utal (annak ellenére, hogy a tartomány lakosságának több mint 90%-a nem szerb nemzetiségű, zömmel albán). A közigazgatás „gyenge és

¹ Commission Staff Working Document: Kosovo under UNSCR 2007 Progress Report SEC (2007) 1433, COM (2007) 663, Brussels, 6.11.2007.

² Ezt a funkciót veszi át az EULEX nevű uniós intézmény fokozatosan, 2008 közepétől.

nem hatékony”.¹ Alkotmánybíróság nincs, a törvények értelmezését a Legfelsőbb Bíróság végzi. A *jogrendszer* a Jelentés „gyengének” nevezi.² Lesújtó a vélemény a *korruptióról*, amelyet a 2007 februárjától működő Korruptióellenes Ügynökség sem volt képes fékezni, a s amely komolyan veszélyezteti az átalakulási folyamat egészét, „alááshatja a koszovói intézményrendszert”.³

A Jelentés mindössze alig két sort szentel a tartomány *legnagyobb nemzetiségi problémájának*: ”Főként a koszovói szerb közösség érzi korlátozotttnak magát a szabad mozgásban. A visszatérők házai gyakran kiszolgáltatottak az erőszakos támadásokkal szemben”⁴. (Kiemelés tőlem – SzRG.) Ugyanakkor tény, hogy a koszovói szerb lakosságot, melynek uralkodó életérzése a félelem, igen gyakran érik atrocitások, s ez részben már eddig is tömeges elvándorláshoz vezetett, s *komoly veszélyt rejthet magában a jövőre nézve*, még akkor is, ha szerb részről akár túlreagálják, vagy propaganda célra használják fel a kérdést.

A probléma mindenesetre két sornál többet érdemel. Ezt a jelentés maga is érzékelteti, megjegyezve, hogy „nagyon kevesen tértek vissza önként Koszovóba”.⁵ A *romák helyzete*, ha lehet, Koszovóban még inkább drámai, mint másutt. A gyerekek csak mintegy 10%-a jár általános iskolába, hivatalosan csak kevesen dolgoznak.⁶

Gazdasági kapcsolatok: fontos tény, hogy 2006 decemberében az UNMIK aláírta Koszovó csatlakozását a Közép Európai Szabadkereskedelmi Társuláshoz, a *CEFTA-hoz*, s ezt a koszovói parlament is jóváhagyta. A CEFTA-t ugyanis az EU belső piaca „gyakorlóterének” szokás mondani, ahol a nemzetközi kereskedelem bizonyos játékszabályai megtanulhatók. A tartomány képviselteti magát a CEFTA-nak abban a bizottságában is, amely a vámon kívüli akadályok megszüntetésével foglalkozik.

Gazdasági helyzet, stabilitás: a GDP növekedése igen alacsony, 2006-ban 2% volt.⁷ A nem építési célú beruházások hosszú idő óta először haladták meg az építkezések növekedését s a GDP 12,6%-át tették ki. A külföldi segélyek összege 2005-ben a GDP 21%-át, 2006-ban 18%-ának felelt meg, ami a azt jelzi, hogy a tartomány kevésbé szorult rá a segélyezésre, miközben a folyó fizetési mérleg hiánya kissé még mérséklődött is (19%-ról 18,5%-ra). Az infláció igen alacsony: 2007 augusztusában az előző év azonos időszakához képest 1,9% volt. A költségvetés (nyilvánvalóan a gazdaság különleges jellege, a segélyek szerepe miatt) aktív egyenlegű (a többlet a GDP 3,6%-a).

Az FDI csak mintegy 60 M EUR, annak ellenére, hogy az ideiglenes önkormányzat különös súlyt helyez a bányászati és az ehhez kapcsolódó kutatási engedélyekre: 2006-ban 15 kutatási és 75 bányászati engedélyt adtak ki külföldi cégeknek.

Az *EU-hoz fűződő kapcsolatokat* jellemzi, hogy az unió Koszovó legnagyobb kereskedelmi partnere, de részaránya 2007 első felében, az egyébként igen nyitott gazdaságú (a külkereskedelem értéke a GDP kb.78%-a) tartomány exportjából és importjából egyaránt mintegy 38% volt. A kivitel 58%-át még mindig a Nyugat Balkán veszi fel, amely a behozatalban is mintegy 60%-kal részesedik.

¹ U.o. 10. old.

² U.o. 13. old.

³ U.o.

⁴ U.o. 21. old.

⁵ U.o. 22. old.

⁶ U.o. 23. old.

⁷ Valamennyi makrogazdasági adat: u.o. 24-26. old., ill. Annex 52-55. old.

Hiányzik az a *technológiai színvonal* (mind humán, mind fizikai vonatkozásban), amely a tartományt (minden erőfeszítés ellenére) valamilyen formában az EU partnerévé tenné. Egyelőre, úgy tűnik, az unió által támogatott, ellentmondásokkal és komoly politikai kockázatokkal terhelt, bár bizonyos területeken érzékelhető fejlődést mutató térség marad. A Jelentés hangvételéből is kitűnik, hogy az EU egyelőre (az ismert mondást idézve) nem képes halászni megtanítani Koszovót, ehelyett még mindig hallal látja el.

2.3. Bosznia-Hercegovina¹

Az 1995. december 14-én Párizsban aláírt, de a kidolgozás USA-beli helyszínéről elnevezett *daytoni megállapodás* Bosznia-Hercegovinát (BiH) a volt Jugoszlávia talán *legfurcsább státuszú állammá* tette, amely az itt nem vallást, hanem nemzetiiséget jelölő muzulmán (bosnyáknak is nevezett) és horvát népeesség alkotta Föderációból és a szerbség által alkotott Republika Srpska-ból (Szerb Köztársaság) áll, közigazgatásilag pedig kantonokra oszlik. E számos paradox ellentmondást hordozó megoldásra valóban illik a közhely: az ember nem tudja, nevéssen-e vagy sírjon. És mégis: zűrzavarosan, de *működik*. Ez egyetlen, ámde legnagyobb előnye, mert a megállapodás *hatályba lépése óta nem volt háború* a térségben. A köztársaság bizarr státuszát azért voltunk kénytelenek megemlíteni, mert az a Jelentésben is tükröződik

Az *általános összefüggések* adják meg a Jelentés alaphangját, egyben lényegét. Ez a rész megállapítja, hogy BiH „*potenciális EU tagjelöltnek*” tekinthető. Az SAA-ról szóló tárgyalásokat hivatalosan 2005 novemberében megnyitották, ám (és ez a lényeg) „*a megállapodást, Bosznia-Hercegovinának a szükséges reformok bevezetésének hiányosságai miatt nem írták alá*”. Mi több: „Bosznia-Hercegovina hivatalos lépései, a Dayton/Párizsi Egyezményt érő folyamatos támadások, a nacionalista retorika aláásta az ország reformelképzeléseit”.² *Ennél súlyosabb bírálatot egyetlen érintett ország sem kapott*. Ehhez még azt is hozzáteszik, hogy az országot lényegében felügyelő, az ENSZ égisze alatt működő különmegbízott szerepének megszűnése, tehát a BiH önállósága felé tett lépés időpontja a tényleges előrehaladástól függ, így azt egyelőre nem lehet meghatározni.

Az *EU és BiH közötti kapcsolatokról* szóló fejezet ráadásul az SAA-t a kapcsolatok „központi elemeként” említi.³ Az aláírás követelményei közül kiemeli a rendőrségi reformot (az országban gyakorlatilag nincs egységes rendőrség), az ICTY-jal való együttműködést, az államigazgatás korszerűsítését, és a teljes *sajtószabadságot*, „melyek elmaradása komolyan akadályozza Bosznia-Hercegovina európai integrációs kilátásait”.⁴

2007-től az EU-nak is van BiH-ban *különleges megbízottja* (EU Special Representative, EUSR) aki szorosan együttműködik az ENSZ különmegbízottjával. Eredményes az ENSZ-től korábban átvett *katonai* szerepvállalás, az *EUFOR/Althea*.⁵ Mindez arra utal, hogy a korábbi célkitűzésnek megfelelően az *EU fokozatosan átvesz bizonyos funkciókat* a nemzetközi közösség más szerveitől.

¹ Commission Staff Working Document: Bosnia and Herzegovina 2007 Progress Report SEC (2007) 1430, COM (2007) 663, Brussels, 6.11.2007.

² U.o. 4-5. old.

³ U.o. 5. old.

⁴ U.o.

⁵ U.o.

Kérdés, hogy ez a tény *menyire volt hatással a bosznia-hercegovinai helyzetre.*

Nagyon nehéz szabadulni attól a gondolattól, hogy nem minden tekintetben volt egyértelműen pozitív az eredmény: mi több, némi *összefüggés* is lehet a romló belpolitikai helyzet és a változás között. Az is lehetséges, hogy az *EU-nak* nincs olyan *politikai tekintélye* a térségben, mint másoknak (ENSZ, főként pedig a NATO, vele együtt az USA), s *vonzereje is csökkent.*

Ami az *EU pénzügyi segélynyújtását* illeti: az előcsatlakozás legújabb forrásait a 2007 júniusában elfogadott „Többéves Indikatív Tervdokumentum” (Multi-Annual Indicative Planning Document) tartalmazza, amely e célra 62,1 millió EUR-t irányoz elő, főként a demokratikus intézményrendszer kiépítésére. A CARDS és az IPA alapkezelője a szarajevói EU Képviselő.

A *politikai kritériumokról* szólva a Jelentés azon véleményen van, hogy a Daytoni Megállapodás békét és stabilitást hozott a térségbe, ám alkalmazása ma már nehézkes, sőt akadályozza a reformokat és az EU-hoz való közeledést.

Ez nem mond ellent annak, a korábban idézett megállapításnak, hogy a Daytoni Megállapodás elleni támadások a továbblépés akadályát képezik. Ezek ugyanis a szerződés egyoldalú, valamelyik fél javára történő módosítására irányulnak (a muzulmán–bosnyák közösség például Srebrenica státuszát kívánta megváltoztatni, a *Republika Srpska*ban pedig az elszakadásról rendezendő népszavazás került szóba). A közös *parlament* munkáját is az ilyen ellentétek dominálták. Nem segíti elő a stabilitást azt sem, hogy (miután 2006 áprilisában elvetették az alkotmány kiegészítését) *az ország elnöke nyolchavonta változik*, holott formailag ő tesz javaslatot az éves költségvetésre és képviseli BiH-t nemzetközi téren.

A Jelentés „nagyon csekélynek” nevezi a *korrupció* megakadályozásra tett erőfeszítéseket is.

Bár BiH tagja a Délkelet-Európai Együttműködési Folyamatnak (South-East European Cooperation Process, SEECP), a Közép-Európai Kezdeményezésnek, részt vesz az Adria-Ioni Tengeri Kezdeményezésben, sőt, a Dunai Együttműködési Folyamatban, a *nemzetközi gazdasági kapcsolatok* legfontosabb eseményét BiH esetében is a *CEFTA*-hoz történt csatlakozás jelentette. Erre hosszas belső vitát követően, 2007 szeptemberében került sor.

A vitában gazdasági és politikai érvek egyaránt felmerültek: eléggé erős-e BiH a szabadkereskedelem befogadására, illetve hogyan érinti ez a *Republika Srpska*-t és a Föderációt. Végül is a lépés, amennyiben BiH-nak valóban célja az EU-hoz történő közeledés, természetesen *pozitív fejleménynek* tekinthető. Lehet ugyanis vitatkozni azon, mit jelent egy gyengén fejlett gazdaságnak a piacnyitás, ám kétségtelen, hogy az elszigetelődés következményei ennél jóval több gondot okoznak, azon felül rossz üzenete is van nemzetközi tőke számára.

A *gazdasági kritériumok* tekintetben meglehetősen vegyes a kép. A GDP 2006-ban 6,2%-kal nőtt, ami csaknem két százalékponttal volt magasabb, mint az előző évben. Az ország így is *hallatlanul szegény*: az egy főre jutó GDP (nem vásárlóerőparitáson) 2006-ban 2542 EUR volt.

Az *ipari termelés* növekedésének 2006. évi átlaga 7,1% , a *Republika Srpska*ban még ennél is nagyobb: 19,1%. Érdekes viszont, hogy 2007 első felében már a Föderáció diktálta a növekedést: termelése 11,9%-kal emelkedett, a *Republika Srpska*t viszont stagnálás (mindössze 0,4%-os növekedés) jellemezte. Mindkét térségben főként a vegyi anyagok, gumiipari cikkek, a fém- és bútortipar, valamint a gépjárműgyártás növekedett gyors ütemben. Megjegyezzük, hogy ezek BiH *hagyományos*, a balkáni

háború előtti iparágai, tehát jórészt *rekonstrukcióról* van szó, új, korszerű ágazatokról (pl. elektronika, műszeripar) alig beszélhetünk. A korábbi iparszerkezet visszaállítására nem tesz jót az ország gazdaságának. A *nagyobb hozzáadott értéket* tartalmazó termelésnek *alig van nyoma*.

Az *infláció* 2006-ban 6,1%, volt, ami 2007 augusztusára látványosan, mintegy 1%-ra csökkent. A gyengén fejlett ország erősödése szempontjából ez azonban nem jó jel, hiszen arra utal, hogy a *gazdaság nem élénkül* az elvárható ütemben, „nincs benne élet”, ami bizonyos fokig inflációs tényező lehet.

A *folyó fizetési mérleg* passzívuma 2006-ban az előző évi deficit felére csökkent, és a GDP 11%-ának felelt meg (1044 millió EUR). Az *export* gyorsan nőtt, s a GDP 11%-át tette ki 2006-ban. A *kereskedelmi mérleg* azonban még így is 3750 millió EUR hiánnyal zárult (2005: 2667 millió EUR). Az *FDI* viszont fokozatosan mérséklődik 2004-ben 534, 2005-ben 421, 2006-ban már csak 338 millió EUR volt. Valószínű, hogy ez nem az országgal szembeni bizalom erősödését jelzi. A *privatizáció* üteme a *Republika Srpska*-ban gyorsabb, mit a Föderációban: 2006 és 2007 folyamán sikerült értékesítenie a *Telekom Srpske* 63%-át, s a befejezéshez közeledik a volt Jugoszlávia egyik legnagyobb, Brodban lévő olajfinomítója, valamint modricai kőolaj-finomító magánosítása. A *Republika Srpska Beruházási - Fejlesztési Bankja* jól irányítja ezt a folyamatot, de miután állami intézmény, fennáll a veszélye annak, hogy „rátelepszik” az üzletre, ezzel korlátozza a magántőkét. Erre utal, hogy noha a *Republika Srpska* gazdaságának mintegy 40%-a már magánkézben van, s az ebből befolyó összeg 2006-ban 12 millió EUR volt, a privatizációnak *csak egy negyede* történt nyilvános versenyeztetés alapján.¹ A felzárkózás *egyéb követelményeinek* való megfelelésről írottakat jól jellemzi, hogy noha a Jelentésben itt sem szerepelnek a vásárlóerő paritáson (PPS) számított GDP adatok, e fejezetben feltüntetettek szerint BiH *bruttó hazai összterméke* PPS alapon számítva 2006-ban 29%-a volt az EU-27 átlagának.² A *munkanélküliségi ráta* 2007 első felében 27%-ot tett ki. Az EU a bosznia-hercegovinai exportból 69, az importból 61%-kal részesedik, ami arra utal, hogy BiH elszakadása a volt Jugoszláviától nagyobb mértékű, mint sok más volt tagköztársaság esetében. A Jelentés meg is állapítja: „az EU-val fennálló kereskedelmi és beruházási kapcsolatok tartósan erősek”.³

A *szabványosítás, a piacfelügyelet, a fogyasztóvédelem* terén, és más, az EU-hoz való közeledéssel kapcsolatos területeken azonban nincs semmilyen előrelépés. Hasonló az értékelés a *szolgáltatások* áramlását, a *vállalati letelepedésre* vonatkozó szabályozást és a *közbeszerzést* illetően is.

2.4. Montenegró (Crna Gora)⁴

Az EU 2006 júniusában ismerte el a népszavazás eredményeként önállóvá vált Montenegró (nemzeti nyelvű, s a volt Jugoszláviában ma is használt nevén Crna Gora) *függetlenségét*. A Jelentéshez hasonlóan kezdjük tehát mindjárt az *EU-val fennálló kapcsolatokkal*. Az *SAA-t 2007 októberében* írták alá. Ez, az átmeneti rezsimet tartalmazó *Interim Megállapodással* együtt 2008. január 1-jével lépett

¹ U.o. 7. old.

² U.o. 14. old.

³ U.o. 22-26. old.

⁴ Commission Staff Working Document: Montenegro 2007 Progress Report SEC (2007) 1434, COM (2007) 663, Brussels, 6.11.2007.

hatályba. Ez utóbbi lehetővé teszi, hogy az SAA kereskedelmi könnyítéseit és néhány egyéb, a nemzetközi gazdasági kapcsolatokra vonatkozó részét a felek még azt megelőzően bevezessék, hogy a ratifikálás minden aláíró részről megtörtént volna. Montenegró főként a vámok (az uniós vámnómenklatúra bevezetése), a verseny és a közbeszerzések terén mutatkozott érettnek erre. 2007 szeptemberében vízumkönnyítések bevezetésre került sor, amely lehetővé teszi, hogy többek közt diákok, üzletemberek, hivatalos személyek, sőt, bizonyos esetekben turisták is egyszerűsített eljárással juthassanak vízumhoz. Legalább ilyen fontos, hogy 2007-től Montenegró hozzájuthat az IPA előcsatlakozási alap forrásaihoz. 2007-ben egyébként a BiH-nál már említett „Többéves Indikatív Tervdokumentum” (Multi-Annual Indicative Planning Document) keretében Montenegró 31,4 millió EUR forráshoz jutott. Ezt főként az adminisztráció, az üzleti környezet, az élelmiszerbiztonság és közlekedés fejlesztésére használták fel. A CARDS keretében is folyamatosan jutott forrásokhoz, ezek felhasználást az EU podgoricai képviselője ellenőrzi.

A *politikai kritériumok* közül talán a legfontosabb, de mindenképpen alapvető jelentőségű az új, 81 tagú parlament 2006. szeptemberi megalakulását követően az Alkotmány 2007. októberi elfogadása. A működést korszerűsíteni kívánó. A korábbihoz képest csökkentett létszámú kormány nagy sikere, hogy az országot 2006. novemberében meghívták a *NATO Békapartnerségben* való részvételre, amely a szervezet „előszobáját” is jelentheti. A fiatal ország törvényhozása és kormánya is többször kijelentette, hogy kül- és biztonságpolitikájuk középpontja az *euroatlanti integráció*. Parlamenti döntés alapján a költségvetés 2%-át fordítják védelmi kiadásokra. A kép azonban sok vonatkozásban *nem olyan megnyugtató*, mint általánosságban. Mint szinte valamennyi nyugat-balkáni országban, itt is elterjedt a *korruptió*, s e tekintetben a Jelentés sem számol be javulásról. Mi több: kifogásolja, hogy az állam képtelen eredményt elérni a *szervezett bűnözés* elleni harcban. Aggodalomra ad okot a „*pénzmosás*” is.

A *nemzetközi gazdasági kapcsolatok* alakulásának lényeges fejleménye, hogy 2007 januárjában Montenegró tagja lett az *IMF-nek*, a *Világbanknak* és az *EBRD-nek*. Bár ez jórészt politikai döntésnek is tekinthető, jelenléte, az ottani szabályok elfogadása, nem utolsó sorban pedig a pótlólagos forrásbevonás lehetősége komoly előnyt jelent az ország számára. Ugyancsak 2007-ben ratifikálta Podgorica a *CEFTA-hoz* történő csatlakozását.

A *gazdasági kritériumok* közül kiemeljük, hogy a GDP 2006-ban 6,5%-kal nőtt. Összegéről az egyébként (részben érthetően) igen hiányos melléklet sem ad felvilágosítást, sőt, a Montenegrói Nemzeti Bank éves jelentése¹ alapján is csak következtetni lehet arra, hogy 3100 EUR/fő körül alakulhat. A fizetési mérleg passzívuma 2006-ban az előző évinek csaknem háromszorosára nőtt, s 568,2 millió EUR-t tett ki, ami a GDP 26%-nak felelt meg. Ennek oka a hirtelen megugrott hazai kereslet: 2006-ban az export 41, az import viszont 84,7%-kal nőtt. A bejövő *FDI* összege 427 millió EUR volt (a GDP 23,7%-a), ami részben fedezte a hiányt. Jelentős volt az infrastruktúráját tekintve ugyan alulfejlett, de a jövedelmekben komoly szerepet játszó *idegenforgalom*, amelynek bevétele a GDP 17%-ának felelt meg. Megjegyzendő, hogy Montenegró már jó előre számolt az idegenforgalom önállósodás után várható nagyobb jelentőségével. Számos potenciális piacon még jóval az önállóság elnyerése előtt olyan idegenforgalmi rendezvényekre került sor, melyek magas szintű delegációk révén nagy sajtónyilvánosságot kaptak.

¹ Izvještaj Centralne Banke Crne Gore 2006. <http://www.cb-mn.org>

Az infláció mértéke 3%. A munkanélküliségi ráta 14,7%. A költségvetési hiány a GDP 1%-a, a GDP arányos államadósság 35,6%, mindkét adat alacsonyabb az előző évinél.

Az egyéb fejleményeket tekintve megemlítendő, hogy csaknem teljesen befejeződött a távközlés privatizációja, liberalizálták az áramelosztást, számos területen (pl. szolgáltatások) gyorsan halad a magánosítás.

Az EU-val fennálló gazdasági kapcsolatok jellemzője, hogy az unió részaránya exportban és az importban is mintegy 50% (Szerbiáé 32%). Az unión belül azonban néhány fő piac (Németország, Olaszország) szinte kizárólagos szerepet játszik, a külkereskedelem viszonylatilag kevésbé diverzifikált. Az ország erőfeszítéseket tesz, hogy kapcsolatait az új tagállamokkal gyorsabban bővítse.

Az EU elvárásaitól az ország az adminisztráció színvonalát, a döntési folyamatok átláthatóságát tekintve még mindig igen messze van. A Jelentés azonban, fiatal országról lévén szó, jól érzékelhetően türelmesebb hangon szól e problémákról, mint a többi volt jugoszláv állam esetében.

A továbbiakban a térség két tagjelöltjéről lesz szó, ezért a Jelentést az eddigiektől jórészt eltérő módon tárgyaljuk. A csatlakozást érintő vonatkozásokat helyezük középpontba, Horvátországgal kapcsolatban a Jelentés szerkezetét követjük, amely a csatlakozási tárgyalások fejezeteiként tárgyalja a helyzetet.

2.5. Macedónia¹

A 2001-ben aláírt, és a fegyveres összetűzések miatt csak 2004-ben hatályba lépett SAA lehetővé tette, hogy az unió 2005-ben biztosítsa „Macedónia volt Jugoszláv Köztársaság” (Former Yugoslav Republic of Macedonia, FYROM) tagjelölti státuszát. Itt mindjárt álljunk meg egy szóra. Az elnevezés (melyhez főként Görögország ragaszkodott, és ez az álláspontja máig alig változott) a Jugoszlávia nevű ország megszűntével kisé ironikussá vált, és az USA például nem is használja. Ennek ellenére a csatlakozás akadályai közé szokták sorolni, a várható görög vétő miatt megalapozottan.

Macedónia 2007 óta részesedik az IPA előcsatlakozási alapból, a „Többéves Indikatív Tervdokumentum” keretében pedig az év májusától 58 millió EUR állt rendelkezésre. A CARDS forrásaiból 195,5 millió EUR kerettel rendelkezik. 2007 júniusában aláírta az uniós Kutatás - Fejlesztés VII. Keretprogramját.

A demokratizálódási folyamatot súlyosan zavarja, hogy a parlament munkáját az albán-macedón ellentétek szinte megbénítják. A korábban sok vitát kiváltó decentralizáció is csak lassan hoz eredményt, ha hoz egyáltalán: az önkormányzatok még mindig nem rendelkeznek megfelelően a közvagyonnal (mert az centralizált), s hiányzik a megfelelő adminisztratív felkészültség is.

Bár a korrupció ellenes tevékenység jogi keretei zömmel adottak, a hatékonyság alacsony, a korrupció széles körben elterjedt, általános jelenség.

Az unió az etnikai problémák, főként az albán-macedón ellentétek kezelésének alapjaként továbbra is a 2001. évi Ohridi Keretmegállapodást tekinti. Kénytelen azonban a Jelentésben megállapítani, hogy sem az egyenjogúság, sem az integráció terén nem történt lényeges előrehaladás.

¹ Commission Staff Working Document: the Former Yugoslav Republic of Macedonia 2007 Progress Report SEC (2007) 1432, COM (2007) 663, Brussels, 11.2007.

Ebben a köztársaságban is aggasztónak tekinthető a *roma* népesség helyzete: a vonatkozó kormányprogram ellenére az általános iskolába is csak a roma gyerekek alig 30%-a jár.

A nemzetközi gazdasági kapcsolatokat illetően itt is fontos tény, hogy az ország 2007 júniusa óta tagja az új CEFTA-nak.

A gazdasági kritériumok sorában első helyen a GDP növekedést említi a Jelentés. Ez 2006-ban 3,5%, 2007 első felében 5,5% volt. Az egy főre jutó GDP 2006-ban vásárlóerő-paritáson 6400 EUR volt. Bár „a stabilitás fennmaradt”, az ipari termelés lassú, 2007 első felében 2,8%-os növekedése nem tűnik biztatósnak. Az infláció a 2006. évi 3,2%-ról 2007 elejére 2%-ra csökkent.¹

A folyó fizetési mérleg csaknem egyensúlyban volt (a passzívum mindössze 19 millió EUR). A kereskedelmi mérleg 1 milliárd EUR deficitjét az egyoldalú áttulások gyakorlatilag kiegyenlítették. A költségvetés hiánya a GDP 0,6%-a.

Úgy véljük (és nem csupán a terjedelem miatt), hogy a 33 *acquis fejezet* egyikére sem érdemes külön kitérni. (Megjegyezzük, hogy az *acquis* átvételnek programját macedón részről csak 2006 áprilisában dolgozták ki).

Ennek az az oka, hogy mindegyik fejezetnél gyakorlatilag azonos a bizottsági következtetés: bár van némi haladás (előfordul, hogy még ez sem hangsúlyozott), az elért eredmények csekélyek ahhoz, hogy érdemi változásról lehessen beszélni. Ez alól csak az alábbi fejezetek képeznek kivételt:

- | | |
|---|--|
| <ul style="list-style-type: none"> • 5. közbeszerzés • 6. társasági törvény • 14. közlekedés (bár ez is tartalmaz bírálatot) • 15. energetika (az adminisztratív kapacitás nem kielégítő voltára vonatkozó bírálat mellett) | <ul style="list-style-type: none"> • 18. statisztika • 21. vállalati és iparpolitika (az egyenlőtlen fejlődésre vonatkozó bírálat mellett) • 29. vámunió • 30. külpolitika |
|---|--|

A 33-ból tehát mindössze nyolc fejezet az, ahol a tárgyalásokat abban a reményben lehetne megkezdeni, hogy belátható időn belül le is zárulnak.

Mindent egybevetve, úgy tűnik, Macedónia felvétele a tagjelöltek közé *elhamarkodott* lépés volt. Valószínű, hogy a, az Ohridi Keretmegállapodás eredményének tekinthető hosszabb békés időszak, a görög-macedón kapcsolatok felvétele, a stabilizáló gazdaság, és persze a demonstratív szándék voltak a főbb motivációs tényezők. Ez persze nem érinti azt aényt, hogy (legalábbis eddig) sem az unió, sem Macedónia részéről *nem beszélhetünk sikerről*. A Jelentés nem is tartalmaz általános értékelést, nem utal tárgyaláskezdesre sem.

2.6. Horvátország²

A Tanács 2004 júniusában biztosította a tagjelölti státuszt Horvátországnak Az SAA-t 2001-ben kötötték, és az 2005 februárjában lépett hatályba. A 33 fejezetről szóló „*screening report*”-ot (átvilágítási jelentés) 2006 októberében adta át a Bizottság a Tanácsnak.

¹ U.o. 18. old., illetve Annex 66-69.old.

² Commission Staff Working Document: Croatia 2007 Progress Report SEC (2007) 1431, COM (2007) 663, Brussels, 6.11.2007.

A Jelentés időpontjáig 14 fejezetről nyitották meg a tárgyalást:

- | | |
|---|---|
| <ul style="list-style-type: none"> • kutatás-fejlesztés, • oktatás és kultúra, • gazdasági és pénzügyi politika • vámunió • szellemi tulajdonjog • iparpolitika • szolgáltatások | <ul style="list-style-type: none"> • társasági törvény • statisztika • pénzügyi szolgáltatások • pénzügyi ellenőrzés • információs társadalom és média • fogyasztó- és egészségvédelem • külkapcsolatok. |
|---|---|

További tíz fejezetről meghatározták a dosszié megnyitásának időpontját és a határidőket:

- | | |
|---|--|
| <ul style="list-style-type: none"> • közbeszerzés • verseny • jog, szabadság, biztonság • szociálpolitika, foglalkoztatottság • tőkemozgás | <ul style="list-style-type: none"> • árumozgás • mezőgazdaság • környezetvédelem • élelmiszerbiztonság • regionális politika. |
|---|--|

Az alábbiakban a *fontosabb*, főként gazdasági fejezeteket, illetve vonatkozásokat tekintjük át (a fejezetszámot a cím előtt közöljük, s miután nem minden fejezetet tárgyalunk, a számozás sorrendje nem folyamatos).¹ 1.-5, ill. 8. fejezet:

- az áruk szabad mozgása,
- a dolgozók szabad mozgása,
- letelepedési jog és a szolgáltatások nyújtásának szabadsága,
- szabad tőkeáramlás,
- közbeszerzés,
- verseny.

Valamennyi, fent felsorolt fejezetről szóló bizottsági értékelés közös vonása, hogy, bár „tapasztalható némi előrehaladás”, a jogszabály-alkotásban elmaradások vannak, az uniós *acquis* számos eleme még nincs helyén. Erőteljesen, több vonatkozásban kifogásolják a hajógyártás néhány vonatkozásban az acélipar kivételezett helyzetét (terméktörvények, versenyfeltételek). Ezeket az iparágakat horvát részről valóban „nemzeti kincsnek” tekintik, így a piaci szabályok bevezetése népszerűtlen, következésképp valóban vontatottan halad. Miután a térségben a korrupció általános probléma, lényeges kifogás, hogy hiányoznak a pénzmosás megakadályozására vonatkozó jogszabályok és a közbeszerzés szabályozása is hiányos, főként az állami-magán (PPP) konstrukciók kedvezményeit illetően.

- 9. Pénzügyi szolgáltatások

Még nem kielégítő az értékpapír-piaci felügyelet tevékenysége.

- 10. Információs társadalom és média

A média nem mentes a politikai nyomástól. További lépésekre van szükség a vezetékes telefonszolgáltatás piacának liberalizálására.

- 11. Mezőgazdaság

Horvátország figyelemre méltó haladást ért el, főként a minőségi termékek előállítására és a biogazdálkodás terén. Jelentős erőfeszítés kell azonban ahhoz, hogy a KAP minden eleme bevezethető legyen (az adminisztráció fejlesztése)..

- 14. Közlekedés

Az adminisztrációs kapacitás bővítésének szükségességén kívül más kifogás nem merült fel.

¹ U.o. 24-65. old.

- 15. Energetika
Növelni szükséges az energiafelhasználás hatékonyságát.
- 16. Adózás
E téren Horvátország nagyon csekély haladást ért el. Bár az adó jogszabályok szerkezete hasonlít az *acquis* által megkövetelt struktúrára, az adórendszer távolról sem tökéletes. Megoldatlan például a cigaretta jövedéki adózása.
- 17. Gazdasági és pénzügyi politika
Az állami vállalatok egy részét még mindig kivételes elbírálásban részesítik a pénzügyintézetek. Nem sikerült megteremteni a Nemzeti Bank teljes függetlenségét.
- 18. Statisztika
A szektorális statisztikai rendszerek (főként az agrár- és az üzleti statisztika) még nem felelnek meg az elvárásoknak.
- 20. Vállalati- és iparpolitika
A haladás egyenlőtlen. A kis- és középvállalatokra vonatkozó politika megfelelő, a hajógyártás terén azonban nincs meg a kívánt elmozdulás.
- 21. Transzeurópai Hálózatok (TEN)
A Jelentés külön megemlíti a Pécs és Ernestinovo közti földgáz-tranzit összeköttetésről szóló magyar-horvát szándéknyilatkozatot, valamint a Krk szigetére tervezett LNG (folyékony földgáz) tároló jelentőségét.
- 27. Környezetvédelem
A jó részeredmények (levegőszennyezés, hulladék kezelés szabályozása stb.) mellett hiányzik az integrált környezetvédelmi szabályozás.
- 28. Fogyasztó-és egészségvédelem
Még nem érvényesítették a dohányzás veszélyére és a vény nélkül kapható gyógyszerekkel kapcsolatban előírt uniós szabályozást.
- 32. Pénzügyi ellenőrzés
A közületi belső ellenőrzésről (Public Internal Financial Control, PIFC) szóló törvényt elfogadták, és annak végrehajtási utasítása is megjelent, de a gyakorlatban még nem alkalmazzák. Ezt minél előbb meg kell tenni.

3. ÉRTÉKELÉS, KÖVETKEZTETÉSEK

Az előzőekben (nagy vonalakban) láttuk, hogy a Jelentések mit tartalmaznak. Legalább ilyen fontos, ha nem fontosabb (mert „üzenet” értékű), hogy *mit nem tartalmaznak*. Általános megállapításokat tartalmazó, de nem „fontossági” sorrendben készült (ilyennel, az egymás mellé nem állítható elemek és a szubjektív megítélés veszélye miatt értelmetlen próbálkozni) *összefoglaló értékelésünk* során erre is rámutatunk.

Természetesen nem újdonság, s részben az unió sajátosságaiából fakad, de a jelentésekben nagyon sok a valódi tartalommal alig bíró, vagy nehezen értelmezhető, sőt, nyilvánvalóan formális elem. Sok az „egyfelől-másfelől” megállapítás, amely önmagában nem gond, ám sokszor *hiányzik a végkövetkeztetés*, amely az egész témakörre vonatkozó egyértelmű értékelést tartalmazná. Ez persze az uniós nyelvezetből, fogalmazási technikából is adódik, ám számos olyan terület van, ahol *világosabb álláspont maguknak a szóban forgó államoknak is sokat segítene*.

Ennél komolyabb probléma, hogy a Jelentések *nem mérnek mindenütt egyenlő mércével*. Külön elemzés tárgya lehetne, hogy *adott területre vonatkozó felkészültségi fokot hányféleképpen ítélik meg* egy-egy ország esetében, továbbá, hogy a *bírálat*

hangneme hogyan különbözik egymástól. A legélesebb kritika *Bosznia-Hercegovinára* vonatkozik, míg hasonló hiányosságokat *Montenegró* esetében nagyon elnézően kezel a Jelentés. Az elsőnek említett esetben olyan éles a bíráló, hogy szinte kiírja, tartalmatlanná teszi a bevezetésben említett „*potenciális tagjelölt*” kifejezést.

Ugyanehhez a témakörhöz tartozik bizonyos, a Balkánon nagyon is központi jellegű *etnikai problémák* kezelése. Mélyen egyetértve valamennyi nemzeti és vallási kisebbség helyzetére vonatkozó megállapításokkal (sőt, kevesellve az azok megoldásához nyújtott *uniós támogatást* is), aránytalanul kis mértékben foglalkoznak a Jelentések a *koszovói szerbség és vajdasági magyarság* helyzetével. A kérdést egyébként sem kezeli „dinamikájában”, alapvetően statikus jellegű: csak az aktuális helyzetre koncentrál. Ez a statikus szemlélet nem feltétlenül „kelléke” a Jelentéseknek, hiszen számos vonatkozásban megemlítik a lehetséges kockázatokat, ám ezekkel a nemzetiségi ügyek tekintetében adósak maradnak. Súlyos hiányosság, hogy sok Jelentés elnagyolja az ezek *gazdasági hatásaira* vonatkozó elemzést (például a belső migráció terheit a befogadókra nézve). Régi igazság, hogy a Balkánon minden lehetséges, és mindennek az ellenkezője is bekövetkezhet. Éppen ezért célszerű lett volna a Jelentésekben szereplőnél többször megemlíteni egy-egy intézkedés megtételének, vagy elmaradásának *következményeit* is.

Az *Annexek (statisztikai mellékletek) színvonala*, néhány üdítő kivételtől (pl. Horvátország) eltekintve *kétségbeejtő*. Erre, úgy vélem, elég néhány példa: *Montenegró* fizetési mérlegénél a teljes tábla üres, holott a köztársaság már jóval önállósulása előtt is tett közzé saját gazdaságára vonatkozó makro adatokat. Nincsenek, vagy alig vannak adatok *Bosznia-Hercegovina* külkereskedelméről (a 2007. novemberében elkészült Jelentésben nincs 2006-os adat), infrastruktúrájának és ún. „*életszínvonalának*” („*standard of living*”) mutatóiról. Hiányosak *Szerbia* foglalkoztatottsági és mezőgazdasági adatai. Egy-egy ország *GDP*-je vagy vásárlóerő paritáson szerepel, vagy nem. Figyelembe véve, hogy az EU Bizottságnak minden, szóban forgó országban van képviselője, a hiba talán az illető ország saját statisztikájában lehet, ám a Jelentésekben ehhez képest kevés az erről szóló bíráló, illetve a fejlesztési elképzelés.

A Jelentések nem hozzák közvetlen összefüggésbe *Szerbia* uniós közeledését a *koszovói helyzetre* vonatkozó álláspontjával. Feltehető, hogy nem számítottak akkora mértékű csalódottságra, amely 2008 elején az unióval kapcsolatban szerb részről megnyilvánult. Ezzel szemben tény: *senki*, még a 2008 februárjában államfővé választott liberális BORIS TADIĆ *sem maradhat* egy percig sem vezető politikus Szerbiában, ha (akár még az egyébként egyre csökkenő vonzerejű uniós perspektíva árán is) *lemond Koszovóról*.

Közvetlenül nem szól a vonatkozó Jelentés a *szlovén–horvát vitákról* (tengeri jogi és határvita, a Nova Ljubljanska Bankaval szembeni horvát követelések, a krškói atomerőmű ügye). A Bizottság, érthető módon, nem kívánja ezeket az ügyeket befolyásolni, még kevésbé állást foglalni bennük, azokat *bilaterális* jellegűeknek tekinti. Nem volna azonban meglepő, ha (mint arra szlovén részről többször is finoman utaltak) ettől függetlenül *akadályt* jelentene a *horvát csatlakozás* során. Jó lenne tudni, számít-e, s ha igen, milyen mértékben Brüsszel erre az esetre? A horvát csatlakozásra jóval a 2008-ban esedékes szlovéniai *parlamenti választások* előtt kerülhet sor. Esetleges új összetételű, vagy pártállású szlovén kormány sem hozhat azonban változást, mert a horvát–szlovén *vita élessége ettől majdnem független*. A Szlovéniában jelenleg kormányzó jobbközép és az ellenzék (a liberálisok, valamint a baloldal) *egyaránt* napirenden tartja, és központinak tekinti a kérdést, s ebben az

ország lakossága is egységes. Ha van szlovén „össz nemzeti” ügy, hát a horvátokkal folyó vita annak mondható. Bár ez érintheti a bővítési folyamatot, is, *Brüsszel egyértelműen távol tartja magát az állásfoglalástól* e kérdésben.

Valamennyi Jelentésből kiérződik az üzenet, hogy a Nyugat-Balkán államai, talán Horvátországot kivéve, *nem számíthatnak a közeledés felgyorsulására*. Ez egyébként ésszerű: lépünk kissé ki a Jelentések köréből és, mintegy „morbid” játékként készítsünk „szám tanpéldát” például *Szerbiáról*, ahol még az SAA sincs tető alatt. A *menetrend* a következő lehet: ha az SAA-t tető alá hozzák, és 2009-2010-ben minden érdekelt ratifikálja (optimisták voltunk a koszovói problémát illetően, és igen gyors folyamatra számítottunk), ez 2011-től hatályba lép. Legalább öt (nyugodt) évet kell számítani az SAA „kifutására” – ekkor már 2016-ot írunk. A csatlakozási tárgyalások 2017-2018-ban kezdődhetnek. Újabb négy-öt évvel számolva *2022-2024 előtt aligha kerülhet sor* a csatlakozásra. Hasonló a helyzet, bár talán egy-két évvel rövidebb távon, az SAA megállapodással bíró, de jövőjét tekintve bizonytalan *Bosznia-Hercegovinával* és a nemrég függetlenné vált, számos hiányosságot mutató *Montenegróval* is (melynek saját magával kapcsolatos illúzióit az unió nem kívánja eloszlatni). A *macedón* belső ellentétek az országgal megkezdhető tárgyalásokat szintén a távoli jövőbe tolták. Márpedig valószerű, legalábbis a jelenlegi helyzetből ítélve, hogy az esetleges horvát csatlakozás után *valamennyi kimaradt országot egy csoportban* veheti fel az unió. Mellesleg, a horvát csatlakozás halasztódásának elvi lehetősége, minden tényezőt, így a várhatóan halogató szlovén magatartást is figyelembe véve sem zárható ki. (Koszovó, akár függetlenedik, akár nem, természetesen egyelőre nincs a palettán.)

Meglepő volna, ha ez az érintettek számára a legkorábbiként jelölt 2022. évi csatlakozás valamiféle ragyogó *európai perspektívát* jelentene idén, 2008-ban.

A címben szereplő kifejezésre visszatérve: a meghatározó a Nyugat-Balkán és az EU viszonyában egyelőre *a jelenlegi távolság tartása* marad.

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