



U.S.-MONTENEGRIN POLICY FORUM

BRIEFING 13, OCTOBER 2005

FINAL STATUS IN THE WESTERN BALKANS

Janusz Bugajski

A pivotal time is fast approaching in the Western Balkans, with two critical issues coming to a head. The final status of Kosova will evidently be decided over the coming months as even the UN Secretary General has concluded that any further delay will prove counter-productive for regional stability. And the final divorce between Serbia and Montenegro is only a few months away as Montenegro prepares for a referendum on statehood next spring.

International involvement remains essential for smoothing the resolution of the two outstanding post-Yugoslav issues. Military, political, and economic engagement has helped to ensure peace in the region since the NATO interventions. But long-term stability is more problematic without a full commitment by international bodies.

Full commitment signifies decision and implementation of final status for all three remaining federal units of ex-Yugoslavia, Serbia, Montenegro, and Kosova, which can then become sovereign and legitimate international entities. The alternative to resolving the status issues and establishing legitimate states is the rise of resentment and possible violence directed not only at other ethnic groups but even against international agencies.

Kosova is preparing itself for international decisions on timelines for status and statehood. Kai Eide's recent report to UN Secretary-General Kofi Annan's outlined the achievements and shortcomings in Kosova's democratic development. A great deal still needs to be accomplished in ensuring the rule of law, minority rights, anti-corruption, anti-criminality, and institutional reform.

However, talks on Kosova's political future cannot be delayed for much longer as any further obstruction could raise tensions in the territory to breaking point, and without legitimate status further economic and democratic progress seems highly unlikely. Standards cannot be met without a roadmap to status.

Belgrade will be given some voice and benefit from the

upcoming talks, even if the most rational decision is full separation between Serbia and Kosova. Serbia needs to be offered extensive protection for the Serbian minority, the international supervision of major religious shrines and historic sites in Kosova, a NATO umbrella over the emerging state, a fast track for Serbia through the EU's Stabilization and Association process, with a timetable for eventual accession talks, inclusion in NATO's Partnership for Peace (PfP) program, U.S. military assistance, and enhanced prospects for business investment.

"There are two possible futures for the Western Balkans – Europeanization or marginalization."

However, the Contact Group and all other international bodies must avoid one potential pitfall – pressing Montenegro to postpone or revoke its planned referendum on independence. Some foreign diplomats may mistakenly calculate that such a maneuver somehow compensate Serbia for the loss of Kosova.

Manipulating the destiny of Montenegro, one of the oldest countries in the Balkans, will not assuage regional nationalism, but is likely to further provoke it in Serbia by distracting attention from the country's essential domestic reforms. It will also generate immense resentment among the pro-American and pro-EU majority of the Montenegrin population that supports independence. International players should accept the results of the planned Montenegrin referendum in the spring of 2006, as the process itself is legitimate by any international standards and international agreements.

There are two possible futures for the Western Balkans – Europeanization or marginalization. By Europeanization, one should understand a realistic roadmap for accession into both the EU and NATO, as was the case with the recently admitted members from Central Europe and the next acceding states from the Eastern Balkans. If there

are long delays in EU entry or the prospect is eliminated altogether, then there will be precious little incentive for reform and for meeting international standards in effective governance.

Such a scenario could assign the region to a peripheral and pauperized gray zone, increase opportunities for cross-border criminal organizations and other non-state interests, result in potential depopulation as locals seek to escape to the EU, and radicalize a younger generation with few chances for employment and personal improvement. Ultimately, it will be less costly and disruptive to have these states Europeanized rather than marginalized.

forces have strained relations and caused even more doubts about the merits of the union's preservation. Mutual trust and institutional efficacy are depleted, which could easily derail any further progress by the dual state on the SAA process.

Talks on the future of Kosova are imminent and the moratorium on holding an independence referendum in Montenegro will expire in early 2006. In such conditions it seems much more rational for all the status issues to be resolved before embarking on a roadmap toward association with the EU.

The failure of the EU constitutional referenda in France and the Netherlands earlier this year indicated that many Europeans may not be ready to accept supranationalism. But allowing EU citizens to exercise the democratic right to express their will served as a wake-up call to

"With talks on the future of Kosova imminent and the moratorium on holding a referendum in Montenegro expiring in early 2006, it seems much more rational for all the status issues to be resolved before embarking on a roadmap toward EU association."

Brussels for the need to get more attuned to the needs of its citizens. Similarly, only an open and democratic referendum process in Montenegro can serve as a true barometer for the viability of the EU brokered union of Serbia-Montenegro. The role of the international community should not be to prevent the Montenegrin people from choosing their fate, but should rather ensure that a referendum is held in line with international democratic principles.

It is critical for the stability of the Western Balkans that the final status of Montenegro and Serbia is resolved. A referendum on independence, whatever the result, would provide the stable, sustainable solution based on democratic legitimacy. EU accession is a long and rigorous process, which may not be achievable by an ambiguous dual state. Ultimately, European standards cannot be achieved without permanent, legitimate, democratically elected, functioning institutions, which are clearly absent in the Serbia-Montenegro union structure.

SAA NEGOTIATIONS: BUYING TIME OR LOOMING TENSIONS

Milena Staneva

On 10 October the European Union opened talks for a Stabilization and Association Agreement (SAA) with Serbia-Montenegro. Although important in giving both Belgrade and Podgorica the prospect of EU entry, the SAA decision can be viewed as another attempt to buy more time in delaying Montenegro's bid for statehood. The resolve to start SAA with two quasi-states with differing internal systems, demography, economic potentials, and foreign policy orientations seems like an effort to bolt more tightly the wobbly union. Although the SAA process is designed as twin-track, it remains unclear how responsive it will be to national differences.

After the Agreement on Restructuring Relations between Serbia and Montenegro was signed on March 14, 2002, its European architect, Javier Solana, hailed the pact as a great success of European diplomacy. However, three years after its implementation, the Constitutional Charter remains skeletal, provisional, and open to various interpretations, thus setting a negative precedent for the prolongation of problems in the Balkans.

Last week's decision to open SAA talks comes at a time when relations between Belgrade and Podgorica have further deteriorated. Disputes over the jurisdictions of the Serb and Montenegrin Churches and the funding of armed

The U.S.-Montenegrin Policy Forum Briefing is produced by the CSIS Eastern Europe Project. This publication is compiled and edited by Janusz Bugajski, Director; Ilona Teleki, Fellow; Milena Staneva, Research Assistant, and Julie Jaffarian, Research Intern. For more information, please contact the CSIS Eastern Europe Project at EastEuropeProject@csis.org or (202) 887-0200 Ext. 3398. CSIS does not take specific policy positions. Accordingly, all views, positions, and conclusions expressed in this publication should be understood to be solely those of the authors.

© 2005 The Center for Strategic and International Studies.