

# Overcoming Blockades and Improving Intra-State/ Neighbourhood Relations in South East Europe

## Policy Recommendations<sup>1</sup> Study Group Regional Stability in South East Europe (SG RSSEE)



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### Summary of Recommendations:

- *Western Balkan (WB) Six*: Try to integrate stronger the win-win approach in negotiations.
- *Council of Ministers of Bosnia and Herzegovina (BaH), EUFOR and OSCE*: Increase the attention to purchases of small arms.
- *Belgrade and Prishtina/Priština*: Strengthen the lacking confidence by implementing signed agreements.
- *Government of Montenegro*: Enable unimpeded investigative journalism.
- *WB Six and EU*: Develop high-tech cross-border projects along the lines of Silicon Valley.
- *EU and WB Six*: Include the regional reconciliation initiative RECOM as an important element in the EU integration process.
- *EU*: Clearly request the respect for existing territorial arrangements in the WB.
- *EU*: Strive for an unambiguous outcome of the Kosovo dialogue.
- *EU and US*: Give more support to the High Representative (HR) as the “last political resort” in BaH.
- *EU and NATO*: Open EU membership negotiations with the FYR Macedonia and invite it to become NATO member.

### Situation Analysis

#### General Trend

In general, intra-regional relations in South East Europe, in particular in the Western Balkans (WB), have partially remained fragile and tense. Several bilateral relations are still burdened by serious political issues and mutual distrust. Ongoing nationalistic clashes regarding, for instance, questions of border demarcation, traffic routes on land and sea, cross-border ethnic separatism and the recent past risk of compounding existing fissures that, in the end, could affect Europe as a whole.

At this way the fragile WB risks to increasingly become a political playground for the partly dodgy ambitions of external forces as Russia and eventually even Turkey. This ongoing ambiguity in intra-regional relations complicates intra-state reforms which are demanded by the EU for fulfilling the Copenhagen criteria for membership and hampers processes of intra-state consolidation (Bosnia and Herzegovina, Kosovo). Despite these critical developments the regional security situation remains stable. However, increasing (“economic”) migration outflows from all the WB countries have recently shown that the citizens are less willing to accept the nationalistic climate and state capture caused by irresponsible political leaderships.

Both the EU Commission and the EU-28 have made it very clear that no divided countries or countries with open border questions (demarcation questions) will be accepted (any more) as members. Aspirants that have fundamental cooperation problems with deep, insurmountable animosities among themselves (bilateral; trilateral) will have very low chances to be accepted in the future. All these structural problems



must be solved before the WB countries will have become full members – that shows the experience within the EU.

One important precondition for improving the political climate in the WB will be to shift from a tactical bargaining position to joint problem solving in negotiation processes. However, the latter is still underrepresented in South East Europe's intra-regional relations.



### **Post-Dayton Triangle**

Bosnia and Herzegovina's (BaH) long-standing political crisis has been even heightened in recent times and have become multilayer (Entity Republika Srpska versus the central government, political tensions between Croat and Bosniak parties in the Entity Federation of BaH, power struggles among the Bosniak parties). The judicial system is misused by political actors from all three constituent peoples for political struggle and obstructive activities. Unnecessary arms purchases and the presence of paramilitary organizations (Republika Srpska) as well as political statements about new war scenarios (single Bosniak politicians) have led to new security concerns.

On the other hand, expectations that the politicians in BaH could take a more constructive political path after the forthcoming general elections in October are not very high. In case that BaH politicians fail to agree on a new electoral law (as demanded by the leading Croat Party in BaH, the national conservative HDZ), the legality and legitimacy of the election results could be called into question after the elections have been conducted.

From the perspective of the Bosniak majority in BaH, Croatia's and Serbia's influence on their co-nationals in BaH remains politically controversial. Both neighbours are perceived as misusing "special relations" with their national communities in BaH. In particular, Croatia has been blamed by Bosniak politicians for acting as a disruptive factor regarding internal developments in BaH and for ignoring BaH's interests regarding crucial infrastructural projects (Pelješac bridge). This contradicts Croatia's self-perception as being BaH's strongest supporter on the path to EU and NATO membership. Notwithstanding the Serb President Aleksandar Vučić's visit to Croatia in February, bilateral relations

between Croatia and Serbia have remained strained and the political communication partly rude.

The tense political relations in the post-Dayton Triangle impede the process of achieving progress in regard to open bilateral and trilateral issues, such as border demarcation, the fate of missing persons, property restitution and projects for the return of (ex-Yugoslav) refugees.

### **The Triangle of Regional (In)Stability: Belgrade – Prishtina/Priština – Tirana**

Internal processes in Kosovo are strongly influenced by the technical and political dialogue between Prishtina/Priština and Belgrade. There is a direct influence on the security situation in the Serb dominated Northern Kosovo and on the stability of the Kosovo government that depends on the political support of the Belgrade controlled party "Srpska lista". In addition, the EU regarding its conditionality for Serbia's and Kosovo's progress in the European integration process expects advances in the dialogue.

The dialogue plunged into a veritable crisis in spring due to a harsh detention of the Serb government official Marko Djurić by the Kosovo special unit ROSU in North Mitrovica. Although Djurić was released very soon, "Srpska lista" withdrew from the Kosovo government and the dialogue talks have been interrupted. This has been followed by EU mediation that aimed at continuing the dialogue, putting more political pressure on the Kosovo Albanian side to enable and implement the formation of the "Association of Serb Municipalities". The latter was agreed in principle by Belgrade and Prishtina/Priština officials in April 2013 in Brussels, but has been blocked by the Kosovo government due to their concerns that the Serb Association could undermine Kosovo's sovereignty.

In addition to the Serb Association, only a small number of technical agreements has been fully implemented up to now. This can be explained especially by the lack of confidence that the two "dialogue partners" have in each other. Despite these difficulties, interethnic relations have slightly improved in Kosovo, in particular regarding contacts between Kosovo-Serb and Kosovo-Albanian NGOs. Nevertheless, the assassination of the Kosovo-Serb politician Oliver Ivanović in January this year showed how precarious the security situation still is, in particular in the north of Kosovo.

Albania and Serbia do not have any serious open bilateral issues to resolve and in principle there are good opportunities to develop cooperative neighbourly relations. However, from Belgrade's position Albania's active political support for Kosovo's independence represents an obstacle. On the other hand, Kosovo's government which appreciates Tirana's lobbying activities rejects paternalistic attitudes shown temporarily by the current Albanian Prime Minister Edi Rama.

### **Challenges for Macedonia and Montenegro**

In Macedonia, the political climate has significantly improved since a clearly pro-European government led by the social democrat Zoran Zaev came to power in April 2017. According to Macedonian opinion polls, the citizens' optimism has increased that their state institutions will return to democratic reforms, respect the rule of law and stabilize interethnic relations. In addition, there are growing expectations that Macedonia will be invited this year to become a NATO member and to finally receive – after 13 years – a date for starting membership negotiations. This optimism is based on the chance to solve the name dispute with Greece in 2018.

Shortly after the formation of the new Macedonian government an “Agreement on Friendship, Good Neighbourliness and Cooperation” was signed with Bulgaria which has improved additionally the bilateral relations. Negotiations with Greece have been conducted seriously in the first half of 2018. However, constitutional changes that may be necessary in Macedonia could remain a difficult obstacle. In case that a sustainable agreement concerning the name dispute cannot be achieved in 2018, political setbacks could follow, in particular regarding Macedonia's democratic transition and fragile interethnic relations.

The NATO member country Montenegro is advancing well within its negotiations on membership with the EU. Most of the negotiation chapters have been already opened and some have been successfully closed. Furthermore, Montenegro's bilateral relations with its neighbours are currently without significant problems. At the domestic level the Adriatic Republic is, however, still facing crucial challenges which deteriorate the successful performance. According to national civil society representatives, the respect for rule of law and the fight against corruption is still insufficient in Montenegro. The situation remains particularly precarious for investigative journalists that report about corruption cases.

### **Policy Recommendations**

#### **Generally for the Western Balkan Countries**

- A specific Balkan problem of „saving face” when negotiating with opponents and partners can be adequately addressed by appropriate negotiation techniques developed by the International Negotiation Theory. Political advisors should transmit these techniques to the negotiating actors.
- A dynamic interaction between „traditional bargaining” and „joint problem-solving” should be applied with the tendency of the latter one, the ‚win-win’ model prevails.
- Use the momentum of EU's reinforced integration strategy. Above all, this should include the readiness of the candidate countries and potential candidates to

improve their neighbourly relations and to find satisfying solutions for open political issues.

- Consider conceivable cross-border high-tech and future oriented economic projects that could benefit from comparative advantages in the region when it comes to young, well educated, but jobless people. Such WB “Silicon Valley” projects, for instance between Croatia, Serbia and BaH, or Albania, Kosovo and Macedonia, could focus on modern services, soft-ware for the digital world, etc. In this regard, regional government involvement should not be a precondition – the EU, however, should provide the infrastructural framework and start-up funding.
- The governments of WB countries should give more political support to regional initiatives like RECOM which provide important contributions to reconciliation by identifying the victims of war and supporting transitional justice. Moreover, state officials should not encourage the glorification of convicted war criminals.

#### **Generally for the EU**

- Further, clarify the political preconditions for and steps towards full membership, as promised in Thessaloniki 2003. In particular, emphasize that existing states and their borders have to be respected by all candidate countries and that territorial divisions and “swaps” as well as border-crossing territorial alignments remain excluded.
- Use the Berlin Process additionally to focus on favourable conditions for the creation of small and medium-sized enterprises as bearers of economic development, in order to prevent the further outflow of young people in the Western Balkans.
- Include RECOM in EU's policies towards the WB.



#### **Concerning the “Dayton-Triangle” (BaH, Croatia and Serbia)**

##### *Inside BaH*

- Given the stagnation or even deterioration in intra-BaH ethnical relations the High Representative (HR) in BaH must reconsider his pivotal role as last political resort, but at the same time the International Community must more distinctly demonstrate its support for the HR.

- There should be more precise regulations regarding the type and number of weapons available to police structures in BaH. All weapons should be purchased in accordance with real security needs and not misused for political purposes.
- In order to prevent blockades of decisions in the BaH institutions the Venice Commission might assess what should constitute “vital interests” of a people, beyond the merely formal criteria for such a veto.
- The EU should support promising non-party actors from the civil society, including financial means.

#### *BaH and Its Neighbours*

- The Venice Commission might assess what should be the limits of parallel relationships of the two BaH Entities with Croatia and Serbia to conform to the requirement “consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina”.
- Both neighbouring countries, and in particular Croatia as a recent EU member, should stick to policies that support cooperative relations in BaH and prevent new political tensions.

#### *Croatia and Serbia*

- Despite the mainly negative political climate, the political dialogue should be continued on all official state levels as well as civil society organisations, thereby considering the frequently precarious position of the Croat and Serb minority.
- Commemorations connected to the last war should be conducted with respect for the victims of the former enemy side.

#### **Concerning the Triangle Belgrade – Prishtina/Priština – Tirana**

- Both negotiating parties, Belgrade and Prishtina/Priština, must put more emphasis and willingness to the implementation of signed agreements as a basis for strengthening mutual confidence.
- The Serbian government should treat the other side in the political dialogue as equal partners and not as potential enemies.
- The EU facilitated dialogue for the full normalization of relations between Prishtina/Priština and Belgrade should provide a non-ambiguous outcome that will remove key impediments to unsettled neighbourly relations, which may hinder EU membership of Kosovo and Serbia.
- The European Union and NATO should rethink their “status neutral” policies towards Kosovo, which will not be applicable anymore after the agreement on full normalization between Belgrade and Prishtina/Priština has been reached. This should entail a clear roadmap for

Kosovo’s Partnership for Peace (PfP) membership and candidacy status for EU membership.

- Belgrade and Prishtina/Priština should fully implement justice for war crimes victims, which is a fundamental precondition for interstate and inter-ethnic reconciliation.
- By being a constructive partner of both, Belgrade and Prishtina/Priština, and by abstaining from paternalistic attitudes towards Kosovo-Albanians, Tirana officials could contribute substantially to confidence-building in this part of South East Europe.



#### **Concerning FYR Macedonia and Montenegro**

- The EU should start membership negotiations as soon as possible with the FYR Macedonia and Albania. This step would support necessary reforms in these countries. Moreover, Skopje’s confidence-building measures toward Athens would be confirmed by this.
- NATO should consider offering the FYR Macedonia membership at its next summit in July. This can be done in form of some kind of provisional invitation, if there is still no formalized solution of the name dispute with Greece in the meantime.
- In Montenegro, government structures should enable investigative journalists to do their work without impediments and threats.
- The EU Commission should consider introducing the final benchmarks for Montenegro in the negotiating Chapters 23 and 24, which would induce further progress in the rule of law area.

1. These Policy Recommendations reflect the findings of the 36<sup>th</sup> RSSEE Workshop on “Overcoming Blockades and Improving Intra-State/Neighbourhood Relations in South East Europe”, convened by the PfP Consortium Study Group “Regional Stability in South East Europe” in Reichenau/Rax, Austria, 3-6 May 2018. They were prepared by Predrag Jureković; valuable support came from Veronika Fuchshuber, Benedikt Hensellek and Raffaella Woller (all from the Austrian National Defence Academy).