

## THE TERMS NAMED- KOSOVO

The crisis in the north of Kosovo opened a question in Serbia – whether the European Union has got double standards for this country when compared to other countries in the region concerning the process of accessing the European Union? First public remarks about this were spoken by the respectable Deputy President of the governing Democratic Party and the Governor of Belgrade Dragan Djilas. He appointed some of the representatives of the European Union to provoke 'great rebellion' with most of the Serbian citizens because they keep 'teaching lessons' all the time and treat Serbia as 'the worst student in this European school.'

Djilas pays tribute to the European Union because it forces Serbia 'to change itself to better one' but he stresses that Serbia is very often asked to do something which is not present in European Union itself. 'We have been convinced throughout the years that we mustn't get onto debt which exceeds 45 per cent of our gross domestic product ( GDP ) while at the same time a lot of European Union Member States as well as the United States of America have got onto debt exceeding double the given 45 per cent limit', noticed Djilas. Whatever message he wanted to send , the mayor of Belgrade actually spoke aloud what most of the citizens think.

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In Serbia there is a belief that the European Union demands from Belgrade more than it demands from other countries and that the our Government's efforts to enable Serbia access the European Union are used for some other member states of the European Union to reach their goals concerning the Kosovo status. Most of the politicians and citizens share this same belief. Thus it should not be a surprise the fact that in Serbian public decreases the support to the access the European Union.

According to the latest public opinion study done by the Government's Office for the European Union access, with results published in May this year, only 57 per cent of citizens would vote for the entering the European Union. According to another prominent Serbian agency for the public opinion survey's studies, that percentage is even lower – 55 percent of citizens. Never before was recorded the case that the percentage of the citizens supporting the European Union access was lower than 60 per cent and only a year ago it was 65 per cent. These studies were issued before the conflicts at the north of Kosovo and the visit of Chancellor of Germany Angela Merkel who brought to Belgrade the message of the European Union concerning the sequence of the process of integration. As both events have been negatively accepted in Serbian public, it is possible that today the number of citizens who support the European integration of Serbia even lower.



The 'European way' of Serbia has lasted for eleven years. Enroll of the country has been set up as primary goal of the state just after the democratic changes that happened in October 2000. The beginning of normalisation of the relations between Serbia (Serbia was then in the common state with Montenegro named 'Federal Republic of Yugoslavia', in short FRY) and the European Union started at summit in Zagreb, in November 2000, gathering heads of states and heads of governments of European Union Member States and West Balkans.

The members of the summit adopted a declaration which confirms the European perspective of Western Balkans countries, but also stresses 'that the progress of every country on its way to the European Union will depend on its individual progress in fulfilling Copenhagen criteria and maintaining the Stabilisation and Association Process, especially the provisions on regional cooperation.'

So, the regional cooperation on which insists European Union at present, has been for more than a decade one of the most important terms for European integration of Serbia as well as of all countries of Western Balkans. In December 2000, the European Union made free from custom duties the goods imported from Federal Republic of Yugoslavia. A new, common Consultancy working group of Federal Republic of Yugoslavia and the European Union was formed and that way it was created a perspective for closing a Stabilisation and Association Agreement with the European Union (SAA).

This group ended its work in July 2003, when it was formed Enhanced Permanent Dialogue (EPD) which was a framework for political and technical dialogue between Federal Republic of Yugoslavia and the European Union. In the meantime, Federal Republic of Yugoslavia, a federation of Serbia and Montenegro, transformed into loose confederation named The State Union of Serbia and Montenegro with defined right of Montenegro to organize a referendum about independence after three years. In June 2004, the European Union made a decision about European partnership for Serbia and Montenegro and in October same year a decision about twin-track joining according to which Montenegro and Serbia will separately negotiate the trade part of Stabilisation and Association Agreement and The State Union of Serbia and Montenegro as a united state will negotiate the political part of Stabilisation and Association Agreement.

In April 2005, The State Union of Serbia and Montenegro gets the positive opinion about the Report on readiness of the Union for negotiations about closing the Stabilisation and Association Agreement with the European Union (Feasibility study) and on October 10, 2005, officially started the negotiations between the European Union and Serbia and Montenegro about the closing the Stabilisation and Association Agreement which represents the first step towards the European Union integrations. The negotiations were held until April 2006, and were expected to be finished by the end of that year with signing the Stabilisation and Association Agreement.



This did not happen because of the emerging problems in relations between Serbia and the European Union because of the 'incomplete cooperation' with International Criminal Tribunal in the Hague (The Hague Tribunal). On May 3, 2006. European Commission cancelled the third technical round of negotiations announcing that the negotiations will be continued when the cooperation is completely fulfilled. The same month Montenegrins voted independence on referendum and the independence is formally declared on June 3. Stagnation in negotiations between Serbia and the European Union lasted for 13 months until June 2007. when the process was renewed. Negotiations were successfully finalised in September and the Stabilisation and Association Agreement was ratified (SAA) on November 7, 2007. 'The Agreement ratification' has been the institute that the European Union created just for Serbia and it was created out of necessity. In fact, Netherlands insisted that the Agreement should not be signed until the former leader of Bosnian Serbs' army, General Ratko Mladic, had been extradited to the Hague Tribunal. As most of the European Union Member States were willing to sign the Agreement with Serbia and it was not possible without the consent of the Netherlands, the Agreement was just ratified.

The thirteen month stagnation from May 2006. until June 2007. proved to be fatal for the process of integrations of Serbia. Due to the stagnation Serbia did not manage to achieve the candidate status for the European Union membership before the beginning of 2008. , meaning before the self-proclamation of Kosovo independence and this way avoid at least during

that phase emerging of 'Kosovo term' in the process of European integrations. Serbia could not in any way convince the Netherlands that not extraditing Ratko Mladic not necessarily meant lack of Serbia's cooperation with the Hague Tribunal. Truly speaking, Serbia could not manage to do that on its own. On this case proved the fact that Serbia did not have the 'lawyers land' that could protect its interests in the European Union. All countries which have become members of the European Union or still are at the process of integrations have had a support from some of greater 'older' members of the European Union such as Germany, Great Britain or France. In the case of Serbia, no country was there to speak with the Netherlands on behalf of Serbia. How important that was Serbia could see in the case of Croatia. At one moment Croatia was facing the interruption of the negotiations because it did not arrest the General Ante Gotovina, accused of war crimes over Serbs.

However, unlike Serbia, Croatia renewed the negotiations in a short time despite the fact that General Ante Gotovina was not arrested at that time. Later, Croatia successfully finalised the negotiations and will become the member of the European Union on June 1, 2013. despite the fact that the Hague Tribunal had some serious objections about hiding the important military documents from the 'Storm' operation and not enabling the return of Serbian refugees. Simply, the Croatian lawyer in European Union was the powerful Germany. Serbia does not have that kind of protection.

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The fact is that in the European Union prevails generally positive mood about Serbia's becoming the member of the European Union when it fulfills the terms, but no country is taking much care about that. When there is a case that some country in the European Union cares much about it could be seen on April 29, 2008. when Serbia in Luxembourg signed the Stabilisation and Association Agreement and the Interim Trade Agreement with the European Union ( ITA ). This event was predicted by the self-proclamation of Kosovo on February 17, 2008. and the recognition of the independence by 22 out of 27 the European Union Member States. The self-proclamation of Kosovo brought a lot of political instability to Serbia. Contemporary Prime Minister of Serbia , Vojislav Kostunica,( a moderate nationalist being the leader of a right wing party – the Democratic Party of Serbia, in short DSS ) demanded Serbia to abort the negotiations with the European Union until it makes statement whether Kosovo is the part of Serbia or not. The President of Serbia Boris Tadic ( a democratic politician and leader of a left wing party – The Democratic Party , in short DS ) refused such a radical politics and asked for a moderate approach. Their mismatch caused the fall of DSS and DS government and the early elections . At the elections triumphally won the Democratic Party of Boris Tadic whose coalition list was of a symbolic name ' For European Serbia'. In the campaign European Union wanted to send clear message that their European perspective is certain , in other words to help democratic and pro-european parties. As soon as a motive emerged , the way was found to convince the Netherlands to change its attitude.

Great victory of pro-european forces on elections in May 2008. in Serbia was welcomed in Brussels with delight.

Still, there is a problem of Kosovo overhanging the Serbian process of European integrations. In the shade of that problem the Serbian Assembly is on September 9, 2008. ratified the Stabilisation and Association Agreement ( SAA ) as well as Interim Trade Agreement ( ITA ) as started unilateral application on February 1, 2009. The European Union Member States achieved an agreement about thawing the Interim Trade Agreement ( ITA ) with Serbia and on December 19, the same year, the European Union members abolished travelling visas for the Serbian citizens.

Year 2009. Ended in an official application for the European Union member candidate on December 22. The following year , 2010, was particularly successful for the European integrations process of Serbia. First, on February 1 the Interim Trade Agreement of Serbia with the European Union entered into force and then on June 14, Council of Europe decided to start the procedure of Stabilisation and Association Agreement ratification with Serbia. Ministers of foreign affairs of the European Union member states made a decision on October 25, to forward to the Council of Europe the Serbian application for the European Union membership as well as to ask from the Council of Europe to expose the opinion about Serbian application.



The European Union Commissioner for Enlargement Stefan Fule delivered on November 24 the Questionnaire according to which the European Commission will evaluate Serbia's readiness to access the status of the country candidate for the European Union membership. This process has been continued in 2011 and on January 19 the European Parliament ratified in Stasbourg the Stabilisation and Association Agreement between the European Union and Serbia and on January 31 the President of Serbian Parliament, Mirko Cvetkovic, submitted a response to the questionnaire to the European Union Commission. On April 22 Serbia also answered the additional questions of the European Union Commission. The Government of Serbia is now expecting to obtain the status of a candidate for the European Union membership as well as the specified date of the beginning of negotiations about the European Union accession. At this moment, European Union is only offering the accomplishing of the candidate status under specified terms.

These terms have formulated German Chancellor Angela Merkel during her recent visit to Belgrade on August 23 by saying that she expects from Serbia the improvement in a direct dialogue between Pristina and Belgrade, enabling the functioning of EULEX ( the European Union mission on Kosovo with the major goal to apply the rule of law) and the abolition of parallel governing structures on Kosovo ( authorities which local Serbs on Kosovo elect themselves according to the Constitution and Laws of Republic of Serbia) on the territories on Kosovo where Serbs live.

There is no doubt that these new terms of the European Union formulated by German Chancellor Angela Merkel will cause the additional bitterness of Serbian public, specially the part of public that supports the membership in the European Union. During this summer Serbia has managed to finalize its cooperation with the Hague Tribunal as Serbian Government had arrested two remaining Hague fugitives – former military commander of Bosnian Serbs – general Ratko Mladic and and former political leader of Serbs in Croatia Goran Hadzic. It should not be forgotten that in summer 2008. was arrested former political leader of Bosnian Serbs Radovan Karadzic. The public in Serbia has been focused too long on cooperation problems with the Hague Tribunal as the main obstacle on its way to the European Union. Neither media nor politicians did stress the Kosovo problem as a great obstacle on their way to the European Union. In public was spreaded optimism that ' Serbia will not be asked to acknowledge Kosovo before accessing the European Union '.

The admittance of EULEX mission and the beginning of technical negotiations with Pristina with the mediation of the European Union and the USA were considered to be steps enough that ' Kosovo problem' should not obstruct European integrations of Serbia. Out of the blue did Serbian public accepted the emerging of new European Union terms for continuing the European integrations. For most of the Serbs the setting of new terms means that after fulfilling these there would appear some other terms concerning Sandzak ( western Serbia territory with the Muslim majority ) or Vojvodina ( autonomous region on the north of Serbia ).



Who is quilty for the situation Serbia is facing with? The basic problem lies in misunderstanding of the core of European integrations above all by politicians and then indirectly by the citizens. Simply speaking, Serbia does not have to become the European Union member. The European Union membership as the main goal was proclaimed by Serbia itself.

So, if you want to become a part of one society it is natural that you obey the terms that society insists on , in other words , you have to adjust. Serbian political ellite does not understand that. The best definition was given by Serbian historian Dubravka Stojanovic – we want to become the European Union member but on our conditions. When Serbian political ellite is about to understand this simple sentence, only then will it be capable of making decisions in its citizens' interest.

If Serbia wants to become the European Union member , it will have to accept all the rules concerning the European Union membership of one country , to accept that the process will follow the specified deadlines, and that there won't be any shortcuts. Certainly, the legitimate right of Serbia is to decide whether it wishes to become the European Union member or not under these circumstances.

The political ellite in Serbia does not understand that the process of a country accession is under control of each European Union Member State separately and the Brussels administration only directs the process.

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When Serbia starts the negotiations with the European Union , it will have to talk about 35 chapters. After ' closure ' of each chapter ,meaning reaching the agreement between the European Union and Serbia, every European Union Member state gives its opinion about the reached agreement and can stop the further negotiations at every moment. Meaning, the destiny of Serbian EU membership lies in the hands of 27 European Union Member states. It is possible that some of the countries would use that posibility to reach other goals related to Serbia. Macedonia was the one to experience the suspension of the EU and NATO integrations because of the conflicts with Greece concerning the state's name. That conflict for most of the countries seems unbelievable but Macedonia can not solve the problem and it does not make any progress. Similar way Croatia was under the pressure to cooperate with the Hague Tribunal by the European Union but was also blackmailed by Slovenia because of the unsolved territorial problems in the Piran Bay. At one moment, Croatia could not close some chapters in its negotiations with the European Union about the membership until the compromise had been found with Slovenia about the usage of the Piran Bay. And not to mention the ultimatum asking former Croatian Prime Minister to leave his position because of the involvement in corruption suggested by one powerful European Union Member state. In the accessing process of Slovenia , there were certain problems with Italia concerning the ownings of Italians who were displaced after the Second World War.



Thus, the special demands that Serbia gets are no surprise even though we must admit that Serbia has got more of these.

But Serbia also had more troubles than others – the cooperation with the Hague Tribunal, the unsolved relations with Montenegro and problems with Kosovo. Why is anyone surprised that European Union insists on solving all the problems before you become the member? The Serbian president Boris Tadic understood this quite well saying in the common press conference that 'Serbia's intention is not to import its problems in the European Union'.

So, all new members are asked to solve their problems and the difference is in a way of solving them. At this point we are going back to our story about 'land-lawyer' meaning the powerful protector in the European Union that can talk on behalf of the candidate to other European Union Member states. Serbia does not have this kind of protection. Now we can see how the decisions of the Serbian Prime Minister Zoran Djindjic, killed in an assassination in March 2003, were far ahead its time when he decided to bound Serbia for Germany as well as to start back then the question of permanent and peaceful solution to Kosovo problem. 'If we do not solve the problem of Kosovo, it will become the burden around our legs which will stop us from progressing', used to say late Prime Minister Zoran Djindjic to its associates at the end of 2002. The support of Germany together with solution to Kosovo problem today would probably lead Serbia to the finalizing the accession talks with the European Union and Serbia would be informed about the

exact date of becoming the European Union member.

Other terms that the European Union sets to Serbia for the European Union membership are the same as for other countries. Those terms are building up of institutions and maintaining the practice based on rule of law principles, the respect of human rights, democracy and trade economy, struggle against corruption, struggle against monopoly, the efficient justice, the obey of law...By fulfilling there terms Serbia prepares itself for the life in European community of people.

The organising of a society in this way is an interest of Serbia itself and its citizens even if Serbia becomes the European Union member or not. The impression remains that political elite can not even handle these terms in a best way, so very often, in public, they present some movements such as struggle against corruption as 'the European Union terms' and in some cases it is stated 'that European Union has been informed' about the steps done. Such a behaviour irritates citizens because sanctioning the illegal acts is the obligation of a country irrespective of the European Union.

In Serbia it is expected that European Union should reward the cooperation of Serbia with the Hague Tribunal. But it should be quite clear that cooperation with the Hague Tribunal is the legal obligation Serbia should obey as a member of United Nations whose court the Tribunal is. So, the European Union considers the arresting of suspects for war crimes to be the legal obligation of Serbia.



Many countries of the European Union do not question whether Serbia should be rewarded but they question why hadn't it fulfilled that obligation earlier? The ending of the cooperation 11 years after the democratic changes in Serbia raises another question. Supporters of a rigid attitude towards Serbia in the European Union can state that the pressure of the European Union on Serbia and determining the process of integrations with the cooperation with the Hague finally brought results. Their estimation is that present government of Serbia can not sacrifice the process of integrations so that the pressure can be effective. Their understanding suggests that if the pressure was effective in case of the Hague why wouldn't it be effective in a case of Kosovo?

Serbian political elite has to take into consideration one more question before it decides if it is going to continue its way of European integrations or not. The question is – has Serbia got economic future without the European Union? Or, as Serbian would say – what is the price we will have to pay for our decision? It is certain that Serbia can live and survive without being the European Union member but shall we look at the numbers.

In the year 2000 the European Union unilaterally abolished customs on the import of Serbian products and thus enabled to Serbian producers the access to the richest market in the world with at around 500 million consumers. With the thank to this, Serbia enlarged its export in the European Union several times. At present, over three fifth of foreign trade exchange is between Serbia and the European Union.

The European Union has with the help of CARDS fund, ie IPA granted almost over two million euros of non-refundable aid by now. This aid was mostly used for the reconstruction of the energetical system, above all thermal power plants, roads, bridges, hospitals and schools.

Serbia can not allow itself any more to pay the economic price of bad political decisions or not solving its problems on time. The current blockage of Serbian goods export on Kosovo which costs Serbian economy more than 400 million dollars annually is that bad example when the economy suffers wrong political decisions.

The Serbian political elite, when making the decision about continuing or abandoning the process of European integrations, will have to answer the question what is the interest of its citizens. The European Union membership brings not only the opportunity for us to become the part of the richest market, to use several million euros of aid from the pre-accession funds, to have the opportunity to build infrastructure with the help of European Investment Bank's beneficial long-term loans but also strengthens the domestic market competition, limits the power of the local monopolists which leads to lower prices of goods and services. These conditions narrow the space for corruption partially because of the faster economic growth and partially because of strong and efficient anti-corruptive politics of the European Union. The citizens of Serbia will have the opportunity to acquire education and work all over the Europe and the economic standard will grow as the country gets closer to the standard of the developed countries.





Will Serbia without the European Union be in a possibility to reach standards which exist in a domain of social policy in the European Union? In the developed countries of the European Union it is spent up to one fourth of the gross domestic product on social costs and programs including all citizens. The results can be noticed in a high life expectancy which is the indicator of the social policy development of one country. In most of the European Union countries the life expectancy exceeds the age of 80 ( the age of 82 for women and the age of 75 for men ) which speaks in terms of quality of every day life, medical prevention and commonly developed programs of health care. In Serbia, life expectancy is five years shorter – the age of 75 for women and the age of 70 for men.

Does European Union need Serbia as its member? Declaratively yes ,but do all the European Union Member States share the same attitude towards Serbian membership? The fact is that permanent peace in Western Balkans can not be obtained until this region is integrated in the European Union. The biggest and the most important country of the Western Balkans region is Serbia. Together with Croatia it represents either the axle war or axle peace at Balkans which is similar to Germany and France in the European Union.

It is certain that the European Union can not permanently solve the problem of Kosovo without Serbia as its member. The possibility that Serbia withdraws from the European integrations is not just troublesome for the Serbia and Western Balkans but also for the European Union.

If that be the case, what is the solution to that problem with five member states not recognising the independence of Kosovo?

Is there a chance for Kosovo to ever become the member of the United Nations as well as many other international institutions? Will Serbia recognise Kosovo's documents? So, there is no complete integration of Kosovo in the international community without Serbia in the European Union. That is why Serbia must be presented a clear offer –what are the expectations of the European Union and what can Serbia get from the European Union in return? It is time to play open cards with Serbia.

All these events can make the greatest harm to the governing coalition. The coalition won the elections by promising the European integrations to the citizens. We are heading towards new elections and there are no economic results mostly due to the economic crisis but that is of no interest for the citizens of our country as well as of other countries' citizens. So, if the governing coalition lacks the concrete results concerning European integrations there won't be much to offer to the voters. On the other hand, if it fulfills what are the European Union demands, it will inevitably enter the conflict with the radical leaders of Kosovo's Serbs on the north of Kosovo who will accuse the government of betrayal. There is no government who would like that to happen during the pre-election campaign.



Only now can be seen that during the crisis on Kosovo Belgrade made a mistake for not including the moderate leaders of Kosovo's Serbs from the enclaves on Kosovo in finding the solution to the problem because now they could be the support for the decisions that are to be made.

It sounds as a paradox but when the current governing coalition gathered around the Democratic Party ( DS ) of the President Boris Tadic won the elections in 2008. the electorate split into those who were for and who were against concerning the question of the European Union. The victory was convincing but more than 40 per cent of the citizens voted for the parties which were opposing the European Union. After a while, the largest opposition party , the Serbian Radical Party fell apart ( SRS) and was replaced by the Serbian Progressive Party ( SNS ) which supported the assecion of Serbia in the European Union. As a conclusion, four years later more than 80 per cent of Parliament parties support the accession of Serbia in the European Union including the largest opposition party. Again, sounds as a paradox that country which maintained such a political consensus concerning the European Union accession can have such big problems during the very same process. On the other hand, maybe that is the main reason why the term are so strict. In the European Union everyone has a clear picture that whatever the voting results of the following elections are to be, there will not be significant changes in the relations of Serbia towards the European Union.

Serbian political elite is facing very hard decisions. If there is anything positive in German Chancellor Angela Merkel's words spoken in Belgrade that would be the remark that both Serbia and its citizens are aware of their position. With cold German preciseness the Chancellor Merkel said that the European Union wants Serbia as its member and which terms must be fulfilled in order to achieve the accession. Now it is up to Serbia to make a decision – whether to become the European Union Member state under these terms or not. Both decisions are legitimate. It is time to introduce the citizens with the concrete decisions.

It is time for the decisions to be made by the politicians because that is the reason for their election. Hiding behind the people means avoiding the responsibility. The Chancellor Merkel helped us to step over the demagogy time at the very beginning of the campaign. It is time for everyone to offer clear solutions that would not be of a partial satisfaction for everyone.

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