

Democracy Activity Brief
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Serbia's troublesome road to democracy

About FRIDE

FRIDE is an independent think-tank based in Madrid, focused on issues related to democracy and human rights; peace and security; and humanitarian action and development. FRIDE attempts to influence policy-making and inform public opinion, through its research in these areas.

On 14 June 2007 FRIDE organised a roundtable on 'Serbia's troublesome road to democracy'. This was held with a number of developments in mind. First, one month ago European headlines warned, 'Serbian democracy enters danger zone'. The Serbian Parliament chose the stand-in leader of the Radical Party as its chairman. Fortunately this situation lasted only a few days until a new coalition government took office. Second, Serbia's cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) is still crucial for its relations with the EU. Talks on a Stability and Association Agreement (SAA) between the EU and Serbia have been relaunched while General Ratko Mladic is not yet in The Hague. Third, it is not possible to separate Serbia's political development from the Kosovo issue. Fourth, Spain is chairing the OSCE this year. This exercise was also meant to discuss Spanish foreign policy towards Serbia and its views on the Kosovo status with special emphasis on Spain's increased role as Chairman in Office of the OSCE.

The event featured a panel of four experts: Ramon Abaroa, Deputy Director, Central and Southern Europe Department of the Spanish Ministry of Foreign Affairs and Cooperation; Djordje Mijalkovic, Chargé d’Affaires of the Serbian Embassy to Spain; Jovan Teokarevic of the Faculty of Political Science, University of Belgrade and Director of the Belgrade Centre for European Integration (BeCEI); and Maria Avello, an independent expert on South East Europe.

The main points to emerge during the debates were as follows:

- Serbia is an ill-defined state that in recent years has changed in territory and name three times. Central European countries that have recently joined the EU and NATO have gone through a double **transition**; politically, these countries have transformed into liberal democracies and economically they have set up functioning market economies. However, former Yugoslav countries first have to go through a third transformation, namely the nation- and state-building process. So far the other two transformations have remained in the shadow of this third dimension. In this sense, once the Kosovo issue, the last piece of the Yugoslav mosaic and one that considerably affects issues of national identity, is solved, political transformation will be easier and Serbia can start seriously to embark on economic and democratic consolidation.
- Serbia’s ‘fuzzy statehood’ should be replaced by clear borders because it currently distorts the political debate in Serbia; true democracy is elusive without clear boundaries of the political community. The new constitution that was adopted after a referendum in November last year can be seen as a step forward in this sense. It enables new regions to be created within Serbia. Such flexibility might prove useful in the future.
- The new democratic **coalition government** of Serbia resembles the former coalition since it also includes the Democratic Party of Serbia (DSS), the Democratic Party (DS) and G17. The position of Tadic’s DS, however, has been strengthened in this new coalition. The DSS of prime-minister Kostunica, which mixes pro-western policies with moderate nationalistic rhetoric, is the link between the DS on the one end of the political spectrum and the Serbian Radical Party (SRS) on the other, two parties that do not communicate. The main challenge for this new government will be to survive any forthcoming settlement of the Kosovo issue. The Serbian authorities have been obsessed with sequencing events leading up to a decision on Kosovo, from the independence of Montenegro to a referendum on a constitution and from elections to full cooperation with the ICTY.
- International **democracy rankings** characterise Serbia, along with other Balkan states, as a semi-consolidated democracy. Overall, its ranking is reasonably good and close to EU members Bulgaria and Romania. Still, all is not well, especially taking the political culture into account. While the media is relatively free, the role of parliament in overseeing the executive is extremely weak. One of the biggest problems in Serbia’s democracy is ‘state capture’ by the political parties. The leaders of the political parties have absolute power and restrict any out-of-the-box thinking or acting by their members, especially parliamentarians. This has also led to a situation where ministries are fully controlled by the party that has delivered the minister. In this sense Serbia is sometimes referred to as a ‘partocracy’.

- Concerning **civil society** it was observed that most organisations have a pro-EU agenda although opinions among NGOs differ on the EU's demand of full ICTY cooperation with relation to the start of SAA talks. NGOs will play an important role in bringing attention to the EU integration topic and in countering nationalistic outbursts by the Serbian Radical Party. Civil society organisations should be encouraged to play an active supporting role in strengthening Serbia's democratic institutions as well as to perform a constructive scrutinising role.
- According to the **ICTY** Chief Prosecutor Carla Del Ponte cooperation in Serbia's new government is an improvement that has, for instance, resulted in General Tolimir being arrested and delivered to The Hague. It is unclear where Mladic is, although most still believe he is in Serbia. If this is true there are no reasons left for the powers that be not to deliver him; a new government has settled in, Kostunica received a continuation of his premiership, and talks with the EU are being re-opened. The biggest problem seems to lie in the lack of democratic control of military intelligence and security agencies. Serbia needs to strengthen the almost non-existent legislative oversight of these agencies. Laws need to be drafted and the knowledge, professionalism, willingness and pro-activeness to exercise oversight needs to increase substantially amongst parliamentarians and political parties.
- Serbia is not fully orientated towards **EU integration**. There is no political consensus on whether or not the country should integrate into Euro-Atlantic structures. Different polls conclude that about 70 per cent of the population is in favour of a pro-European course, but recently this number has decreased as a result of anti-EU forces – mainly the Radical Party – that are becoming more vocal.

One could, however, conclude that society in general is orientated towards EU integration although there is no political consensus on a future orientation.

- The Kosovo issue is currently becoming increasingly entangled with **Serbia-EU relations** as well as of course with Serbian relations with many other countries and organisations. In this sense, prime-minister Kostunica already stated that as Serbia cooperates with the ICTY, the EU should respect Serbia's territorial integrity. Serbia's Kosovo stance might become problematic in its relations with the EU and NATO while relations with Russia are flourishing. However, Serbia needs the EU if only economically and the EU needs Serbia for stability in the Balkans. The EU and NATO should make a strong statement in which they make clear that violence will not be accepted in Kosovo and that they are prepared for any eventualities. Such a commitment would be helpful to Albanians and Serbs alike and would enhance the credibility of the EU and NATO.
- The Serbian government's policy towards **Kosovo** – more than autonomy, less than independence – is meaningless. In the government's proposals, the status of Kosovo is only vaguely defined and the status of Albanians in Serbia is altogether neglected. The status of Serbs in Kosovo, however, is spelled out in great detail; the different Serbian dominated municipalities in Kosovo should be linked to one Serbian entity, direct links with Belgrade surpassing Pristina should stay in place and the plans speak of positive discrimination of Serbs in Kosovo and of further decentralisation.
- The official Belgrade option of keeping **Kosovo** in Serbia was just one of the options that were

discussed. Others were: gradual independence through a UNSC resolution; unilateral independence declared by Albanians of Kosovo; and partition (The area north of the Ibar River, mainly Mitrovica, would then stay within Serbia while the rest gains independence). The latter is regarded by many as a practical arrangement but is rarely discussed because it collides with the principles followed by the international community's policies during the last ten years in the Balkans and was also excluded from Ahtisaari's negotiations mandate. The criteria used by most panellists and participants to value these options were: first, the chances that violence breaks out in Kosovo; second, the possibility of instability of Serbia, Kosovo and other neighbouring countries, foremost Bosnia and Herzegovina and Macedonia; third, a solution should be final, functional and fair.

- The most likely scenario explained by one of the panellists would be an independent **Kosovo** with a special status for Serbs in Kosovo; this would most likely mean that Mitrovica could retain its vertical links with Belgrade. Serbs scattered all over Kosovo will move increasingly to the Mitrovica area or Serbia after a solution. In this sense any agreement made over Kosovo would probably need to take the special status for Mitrovica into account; the Serbian government might in time accept a 'fair deal for Mitrovica'. Military conflict is extremely unlikely as are attempts of secession elsewhere such as in the Republika Srpska. In Serbia EU integration policy will slow down for a while and the Radical Party will first win influence but later turn into a one issue party (Kosovo should be brought back into Serbia) and eventually lose attractiveness.
- The **Kosovo** process is currently heavily debated internationally and is creating new divisions between

those that support the Ahtisaari plan on the one hand (most EU countries, NATO and foremost the US) and Russia on the other hand. Whereas one and a half years ago when the negotiations started the Serbian position was regarded as hopeless, nowadays the Serbs stand a fair chance to get what they want, at least partially. But even if Serbia would retain some sovereignty or other influence over Kosovo, it would only do so in name. No Serbs ever travel to Kosovo and it would be unthinkable that a Kosovar would hold a public position in a Serbian government if the country was united. From a practical point of view, Serbia has already lost Kosovo.

- If **Kosovo** were to gain independence, one question would be if the new state would be economically viable, especially since the province is currently dependent on foreign aid and the presence of internationals. This will certainly be an important question as soon as a settlement is reached but at this stage neither the Albanians nor the Serbs – who have not presented any economic plans for a Kosovo within Serbia – are concerned with this issue. It was made very clear that a struggle for independence fully ignores economic resources or viability. In the Balkans other nations that fought for their independence showed that you need to be determined, ready to use violence and accept huge loss of life. As soon as the main goal is achieved and there is a fixed nation state with full sovereignty, political and economic transition can start, but not before.
- **Spain** follows developments in Serbia and Kosovo closely due to its OSCE Chairmanship but also because it deployed 600 troops in Kosovo. Spain has concerns about certain aspects of the Ahtisaari plan, for example that it does not adequately reflect

Serbian views. Spain argues that a peaceful and democratic Serbia should not have the international community unilaterally impose territorial independence of Kosovo. Serbs should not be punished forever for past human rights abuses. Moreover, giving Kosovo independence is the opposite approach taken in BiH, where a multiethnic state was established at all costs. Nonetheless, Spain will not oppose the EU common position supporting the Ahtisaari plan. A new UNSC resolution is required to satisfy international law. Any unilateral declaration of independence by Kosovo and recognised by the US would violate international law, specifically UNSCR 1244. Moreover it was stated that any comparisons between Kosovo and the Spanish situation concerning the Basques and the Catalans are unwise and misplaced.

For further FRIDE publications on Serbia and Kosovo see:

Susan Woodward, 'Can Democratic Elections Solve a Civil War? The case of Serbia and Kosovo', *FRIDE Comment*, June 2007. (Forthcoming).

'The EU's Challenge in Kosovo', *Democracy Backgrounder*, May 2007.

Susan Woodward, 'The Kosovo Quandary: On the International Management of Statehood', *FRIDE Comment*, March 2007.

María Avello, 'Kosovo: From International Province to State?', *FRIDE Comment*, March 2007.

'Serbia's Elections and the Challenges Ahead', *FRIDE Democracy Backgrounder*, January 2007.

Jos Boonstra, 'Serbia's Constitutional Referendum: Democratic Reform and Euro-Atlantic Integration on Hold?', *FRIDE Comment*, November 2006.

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