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A New Kind of Balkans Drama

Summary

- The Balkans face more trouble in Kosovo as well as Bosnia and Herzegovina unless the United States and European Union take dramatic steps to get both back on track towards EU membership.
- In Bosnia, the international community needs to reconstitute itself as well as support an effort to reform the country's constitution.
- In Kosovo, Pristina and Belgrade need to break through the barriers to direct communication and begin discussions on a wide range of issues.
- This brief proposes specific diplomatic measures to meet these needs.

The Balkans fly well below the radar of high government officials today, but the problems there are still real, and risk recreating serious instability. As the U.S. hands the region off to the EU, Brussels and Washington need to take a few dramatic diplomatic steps to prevent future trouble.

There are two obvious foci for trouble: Bosnia and Kosovo.

“ I propose a simple but dramatic move: Kosovo President Fatmir Sejdiu should invite Serbian President Boris Tadic to Pristina. A courtesy call requires no nameplates, no table, no intermediaries, and no formalities beyond a handshake . . . The EU requirement, which Belgrade has to meet sooner and Pristina later, is to establish good neighborly relations. A Tadic visit to Pristina would be a big step in the right direction.”

Bosnia and Herzegovina's Two Constitutional Problems

The problems in Bosnia and Herzegovina are constitutional, in two senses. First, the Bosnian Constitution, as written at Dayton in 1995, does not meet European standards and will hold Bosnia back from joining the EU. This has been recognized both in a 2009 European Court of Human Rights' decision on discriminatory provisions in the constitution and more comprehensively in a 2005 Venice Commission report, but no progress has been made in adopting amendments to correct the deficiencies.

Second, the international community is no longer constituted for best effect in Bosnia. The High Representative responsible for Dayton agreement implementation has lost the capacity to enforce his almost dictatorial "Bonn" powers. Two dozen European embassies communicate a cacophony of different views to the government in Sarajevo, where the Americans have as many political officers stationed as in major West European capitals at the height of the Cold War. The international proposals for reforming the Bosnian Constitution have changed dramatically from one negotiating session to the next, depending on whether Americans or Europeans were preparing the draft.

The solution to the second problem leads to the solution of the first. The international community needs to unify its voice. My proposal is this: all bilateral embassies of EU member states in Sarajevo should be closed, with half the personnel returned to their capitals and half transferred to a newly constituted EU representative, who would be given the residual Bonn powers and

responsibilities of the High Representative (until the agreed conditions are met). This would give real meaning to the EU's efforts to unify its foreign and security policy. The U.S. should follow suit, reducing its embassy by two-thirds, returning one-third to Washington and assigning one-third to the Sarajevo office of the EU representative.

More consolidated and streamlined, the EU and U.S. would at the same time unify their voices on the Bosnian constitutional issues. This process should start now by creating a small expert group—two Europeans and two Americans would be more than sufficient—to come to agreement on constitutional criteria Bosnia will need to meet before it can even begin the EU accession process. At a minimum, this will have to include the elimination of ethnic discrimination in accordance with the European Court's decision. Furthermore, it will also need to solve the question of the clause in the constitution specifying how EU accession issues will be handled within the Bosnian government.

Instead of taking these criteria back to Butmir—where two intense U.S./EU efforts to get top Bosnian leaders to agree to constitutional changes failed last year—the EU and U.S. should together take them to the Bosnian people, by sponsoring four months of grassroots meetings after October's elections to discuss how to meet the criteria. This would generate not only new ideas but a wave of support for the next government—whoever leads it—to put forward serious proposals and get them passed in parliament.

Good Neighborly Relations Between Belgrade and Pristina

The problems in Kosovo are not constitutional but territorial. Serbia, recognizing that it will never again govern all of Kosovo, is imploring whoever will listen for partition, which Belgrade prefers to call "border correction." This is an urgent matter from Serbia's perspective, as Belgrade cannot even begin the EU accession process without being able to state clearly where its borders lie. There are some in Pristina who might be willing to discuss border correction, but only if the discussion includes the Albanian-majority areas in southern Serbia. The international community—in particular the EU and U.S.—oppose raising the issue, for fear that it will have knock-on effects in Macedonia and in Bosnia.

To start on a solution of this and the many other problems that Serbia and Kosovo need to resolve will first require breaking the ice between Belgrade and Pristina, which have so far refused to meet with each other bilaterally at a political level. Wanting to turn the clock back on independence, Belgrade insists that any meeting occur under the aegis of the United Nations, which is unacceptable to Pristina. Diplomats nearly burst their pinstripes trying to figure out a formula for attendance of both Belgrade and Pristina at a meeting in Sarajevo this week. The formula that worked was the simplest: everyone attended without explicit identification.

I propose a comparably simple but dramatic move for the first bilateral contact: Kosovo President Fatmir Sejdiu should invite Serbian President Boris Tadic to Pristina. A courtesy call requires no nameplates, no table, no intermediaries, and no formalities beyond a handshake. Belgrade can pretend, if it so wishes, that its president is calling on the president of an autonomous region (Kosovo's nominal status within the Serbian state according to Belgrade), while Pristina will claim that this handshake represents an acknowledgement of Kosovo's sovereignty. The EU requirement, which Belgrade has to meet sooner and Pristina later, is to establish good neighborly relations. A Tadic visit to Pristina would be a big step in the right direction.

Having met, Serbia and Kosovo can discuss their own territorial concerns. That is the rule between any two sovereign states, and there really is no way for Belgrade to open this subject for discussion without acknowledging Kosovo's existence as a sovereign state.

ABOUT THIS BRIEF

Daniel Serwer is vice president of USIP's Centers of Innovation. He has worked on the Balkans since 1994 and chairs USIP's Balkans Working Group. These ideas, derived in part from discussions in the working group, are his own.

They can even discuss border correction, if they want. The conversation could go something like this: Belgrade says, "give us the territory north of the Ibar River and Belgrade will allow Kosovo to enter the U.N. General Assembly" (thus avoiding for the moment a bilateral act of recognition). Pristina responds, "give us the Presevo Valley area where Albanians are the majority." Belgrade ends the conversation, "no, it is too close to our main north/south route leading to our outlet to the sea at Thessaloniki." End of conversation.

Lest anyone misinterpret what I am writing here: I don't think Belgrade and Pristina will come to an agreement on partition. In the unlikely event they do, they would have to give absolute guarantees to ensure that their agreement would have no knock-on effects in Bosnia or Macedonia.

Conclusions

Here then is what I propose, in a nutshell, for positive drama in the Balkans:

- Eliminate EU bilateral embassies in Sarajevo, drastically reduce the U.S. embassy, and establish a strong EU representative there, with American participation.
- Create a small EU/U.S. expert group to develop minimum criteria that the Bosnian Constitution will have to meet in order for Sarajevo to begin the process of EU accession, followed by a broad popular consultation in Bosnia on how to meet those criteria.
- A direct invitation by Kosovo President Sedjii to Serbian President Tadic to visit Pristina, followed by intense discussion of how Pristina and Belgrade intend to meet the EU requirement of good neighborly relations, which will require resolution of a host of territorial, security, citizenship, trade, financial and property issues.



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