

Let the Talks Begin

The EU formally opens association talks with Serbia and Montenegro. But will one country or two be doing the talking?

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by Igor Jovanovic

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BELGRADE, Serbia and Montenegro

The European Union has formally opened talks on strengthening ties with Serbia and Montenegro.

The way is now clear for Belgrade to move toward completing a Stabilization and Association Agreement (SAA) with the EU.

"The agreement will deepen relations and create contractual relations between the EU and Serbia-Montenegro. . It is a crucial step forward on Serbia-Montenegro's path to the EU," EU enlargement commissioner Olli Rehn told top officials gathered for the ceremonial opening on 10 October.

Technical talks are expected to begin in late October or early November.

The visit to Belgrade capped a week of frantic diplomatic activity in the Balkans: on 3 October, EU foreign ministers decided to open full membership talks with Croatia; on 5 October, the parliament of one of Bosnia's two constituent parts, Republika Srpska, caved in to international pressure and passed a controversial police reform package that now makes Bosnia's SAA talks possible; and two days after that, UN special envoy Kai Eide recommended early negotiations to settle the final status of Kosovo, nominally still a province of Serbia.

A unique feature of the EU's integration process with Serbia and Montenegro is the constitutional makeup of the uneasy state union of the two republics of Serbia and Montenegro, which gives most authority to the republics. A year ago, EU foreign ministers decided to deal separately with the republics on economic issues while talking with state union leaders on overall political integration.

The deputy head of the Serbian Office for Association with the EU, Srdjan Majstorovic, told TOL said the negotiations were made possible by the EU's "Solomonic solution" to adopt a twin-track approach to economic issues "due to the different and legitimate interests of the Serbian and Montenegrin economies."

"This means that . Serbia-Montenegro will sign one SAA but with two

annexes - one for each member republic," Majstorovic explained.

HAGUE CONCERNS

Among the key political sticking points is cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). The tribunal has repeatedly voiced its unhappiness over incomplete cooperation from Belgrade.

The two most-wanted war-crimes suspects, Bosnian Serb leader Radovan Karadzic and his military commander Ratko Mladic, are still at large 10 years after the war in Bosnia ended, with Mladic believed by the international community to be hiding in Serbia.

The EU ministers decided that negotiations could be suspended at any point if Serbia and Montenegro fails to cooperate fully with the ICTY, a determination that will be made by ICTY chief prosecutor Carla Del Ponte.

Serbia and Montenegro Foreign Minister Vuk Draskovic said on 2 October that the country had just two months to resolve the war-crimes issue. After a visit to Belgrade in late September, Del Ponte said that Serbian government officials had told her Mladic might be delivered to the ICTY before December and the marking of the 10th anniversary of the Dayton peace accords, which ended the war in Bosnia.

Similar announcements in the past proved hollow.

The Serbian authorities denied giving Del Ponte any precise date for Mladic's extradition but said they would do all in their power to finish the job as quickly as possible. But Serbian Prime Minister Vojislav Kostunica told a joint news conference with Del Ponte that for Serbia "each day without cooperation with the ICTY is a lost day," and Serbian officials seem to take seriously the threat that SAA talks could be suspended.

The other key factor that could delay or prolong negotiations is a referendum on Montenegro's independence.

According to the constitutional charter of the state union, the referendum may (but does not have to) be held in the spring of 2006. EU and Serbian officials on several occasions have warned the pro-independence Montenegrin authorities to postpone the referendum because it seems impossible that an SAA deal could be reached before spring.

The Montenegrin government dismissed such suggestions.

Montenegrin President Filip Vujanovic told Belgrade's Radio B92 on 4

October: "Certainly associating with the EU and becoming a member as soon as possible is a big strategic objective for Montenegro, but I think and I believe that I share the opinion of citizens that an even bigger strategic goal is the renewal of Montenegro's independence. . Should the referendum be delayed for the sake of faster EU accession through the stabilization and association process ahead of us? I don't think so."

Vujanovic said the referendum would likely take place sometime between February and late April 2006.

Foreign Minister Draskovic said he would "do everything to save the state union." He suggested strengthening the union if Montenegrin voters decided not to opt for independence.

Some foreign analysts question Montenegro's administrative capacity to negotiate with the EU on its own. Judy Batt, a research fellow at the EU Institute for Security Studies in Paris, told the Podgorica daily Vijesti on 5 October that Montenegro, if it chose independence, would be a "weak state" and might need additional EU funding just to stabilize and build its independence. Whether Serbia would be better off without Montenegro was an open question, she said, but "Serbia has significant administrative capacities and human resources and could turn out to be a lot more politically compact" than even a strengthened state union.

The Montenegrin minister in charge of European integration, Gordana Djurovic, rejected such doubts about the republic's administrative capacity.

IRREVERSIBLE REFORM?

The deputy chief of Serbia and Montenegro's mission to the EU, Bojan Sarkic, thinks that Montenegrin independence would be a complicating factor but not an insurmountable obstacle on the way to closer ties with Brussels. He told Podgorica media that the rewriting of the single SAA into two separate documents for the member republics would take between several weeks and several months. "There can be no talk of Montenegro's return to the very beginning of the European integration process because what has so far been done in reforming the state, adopting and implementing new laws, economic and administrative reforms, cannot be reversed," Sarkic said.

As if these problems weren't enough, relations between the opposition Democratic Party (DS), led by Serbian President Boris Tadic, and the Democratic Party of Serbia (DSS) of Prime Minister Kostunica have hit rock bottom. The DS decided on 5 October to leave parliament in protest after two of its deputies deserted to the government camp. Kostunica said that the DS move was "negative" for European integration and urged the party to reconsider, while Deputy Prime Minister Miroljub Labus, who will lead

Serbia's SAA negotiating team, said that "any instability has a negative effect on negotiations with the EU."

The Socialist Party of Serbia (SPS) of former president Slobodan Milosevic supports Kostunica's minority government but refuses to vote for anything that calls for unconditional cooperation with the ICTY. Milosevic is currently on trial before the tribunal in The Hague. The Serbian Radical Party (SRS), the single largest party in the legislature with 81 out of 250 seats, is also lukewarm about European integration. Its former leader Vojislav Seselj is currently in detention at The Hague on war crimes charges.

But Majstorovic of Serbia's integration office says that such political division within the legislature should not be cause for concern since neither of the two parties were opposed to EU association as such.

What might prove a higher hurdle are the technical aspects of the SAA. The agreement has 10 chapters on issues such as regional cooperation, movement of capital, harmonization of laws and of judicial and internal affairs, and the free flow of goods. It is this last part that promises to be especially problematic since the EU recognizes that Serbia and Montenegro is not ready for competition from the EU yet. Negotiators for the state union will need to fight for as long a transition period as possible during which customs duties will stay in force. Other former Yugoslav republics have negotiated transition periods of six years, in the case of Croatia, and as long as 10 years for Macedonia. The EU will ease outward-bound trade by lifting its import duties on goods from Serbia and Montenegro. This can happen as soon as a temporary agreement is signed allowing some provisions of the SAA to come into force prior to the agreement's formal ratification.

Majstorovic expects the negotiations to take "nine to 12 months, precisely because of the uncertainties awaiting us, primarily the Montenegrin referendum."

Once it closes the SAA deal, Serbia and Montenegro will have several other, no less exhausting, steps ahead of it on the way into the EU. These include applying for membership, getting candidate status, negotiations on full membership, and finally an invitation and the signing of an accession agreement. No minister volunteers a specific date when the country might join the EU except for Labus, who thinks it might happen in 2012. But between now and then lie lots of work, tough negotiations, difficult political decisions, and tens of thousands of pages of documents and laws that need to be brought in line with EU standards.

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