

BULLETIN

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Editors: Marcin Zaborowski (Editor-in-Chief), Agnieszka Kopeć (Executive Editor),
Łukasz Adamski, Beata Górka-Winter, Artur Gradziuk, Leszek Jesień,
Beata Wojna, Ernest Wyciszkwicz

The Arrest of General Ratko Mladić Versus the Integration of Serbia with the EU

Tomasz Żornaczuk

Sixteen years since the end of the war in Bosnia Herzegovina, Serbia arrested and delivered Ratko Mladić, the former commander of Bosnian Serb troops, to the tribunal in The Hague. That confirms Serbia's cooperation with the international tribunal and was one of the main conditions for its integration with the EU. However, one can assume Member States that are reluctant to approve Serbia's accession to the EU now will pay more attention to the need for the regulation of the country's relations with Kosovo. Meanwhile, Serbia's actions to confirm its democratization should be more appreciated. A quick granting of candidate status for EU membership would be an incentive to conduct further reforms.

Ratko Mladić's Detention. On 26 May, General Ratko Mladić was seized in Serbia and later transferred to the International Criminal Tribunal for the Former Yugoslavia (ICTY). He was Chief of Staff of the Army of Republika Srpska, which was established within Bosnia and Herzegovina during the war from 1992 to 1995. He commanded, among other events, the siege of Sarajevo and the liquidation action in the demilitarized zone of Srebrenica, during which his troops murdered more than 8,000 Bosnian Muslims. He is accused of war crimes, crimes against humanity and genocide. Apart from the former President of the Republic of Serbian Krajina, Goran Hadžić, he remained one of the last people wanted by the tribunal. His arrest came as a surprise to both the Serbian and international communities. Just two weeks before the capture of Mladić, ICTY prosecutor Serge Brammertz stressed that although Serbia's cooperation with the tribunal had proceeded smoothly, its strategy to arrest both fugitives had been ineffective. He included this opinion in a report sent to the UN Security Council.

In mid-May this year, only 34% of the population of Serbia called for the capture of Mladić. Nevertheless, the protests after his arrest, both in Serbia and Republika Srpska in Bosnia and Herzegovina were rather minor. Except for the Serbian Radical Party, an opposition formation, all political parties in Serbia expressed satisfaction with the arrest of the former general.

Cooperation with the ICTY and Integration with the EU. Full cooperation with the ICTY is a formal condition for Serbia's integration with the EU. Because Mladić and Hadžić remained at large, the Netherlands long opposed the signing of the Interim Agreement on Trade between the EU and Serbia, which happened only in December 2009. Until June 2010, Holland was delaying the launch of the ratification of the Stabilisation and Association Agreement (SAA) with Serbia, which was signed more than two years earlier. The Netherlands is among eight countries, including Poland, that has not yet ratified the agreement. The argument that Serbia lacked sufficient cooperation with the ICTY repeatedly has served as the argument for Member States to delay procedures related to the country's integration into the EU. For example, the application for membership submitted by Serbia in December 2009 was delayed by ten months before the EU Council forwarded it to the European Commission for its opinion. This technical procedure lasted longer than it took for any other Western Balkan country.

The capture of Mladić will mean that if the EC opinion (expected in the autumn) on the proposal is positive, countries supporting the EU enlargement process will be more inclined to opt to grant Serbia candidate status for membership. Moreover, the arrest may accelerate the ratification process of the SAA in countries that have not yet done so. However, Serbia's full cooperation with the ICTY will be confirmed only after bringing in the last wanted man before the tribunal.

The arrest of Mladić also will shift emphasis in the arguments of some Member States that are sceptical of Serbia's integration with the EU. Instead of insufficient cooperation with the ICTY, they now will point to the unresolved issue of Kosovo. Although formally Serbia's recognition of the territory's independence is not a prerequisite for the accession process, good relations with its neighbours is a condition. In practice, countries such as Great Britain, France and Italy link the pace of the process with the need for Serbia to have a more pragmatic approach to the Kosovo issue. The ICJ opinion of July 2010 already has strengthened the arguments of those countries, but now such statements may be more pronounced and widespread.

The Internal Situation. Within the EU integration process, Serbia still is perceived—especially in Western Europe—through the prism of Belgrade's role in the wars in the former Yugoslavia in the '90s. A mistrustful approach to Serbia fails to notice the essential democratization processes that have been occurring since then in the country. Stereotypes about Serbia still are widespread, not only in European societies, but also among the political elite of the EU Member States.

Meanwhile, Serbia repeatedly has signalled its willingness to adjust to the European standards. Three months after Kosovo's February 2008 declaration of independence, Serbia's parliamentary elections were won by the coalition "For a European Serbia" followed by the formation of the most pro-European government in the country. Previously, Serbs had chosen the coalition's pro-Western leader, Boris Tadić, for president. Not long after, Radovan Karadžić was apprehended—until then, he was the ICTY's most wanted fugitive apart from Mladić—and delivered to The Hague. Recently, the Parliament in Belgrade passed amendments to the electoral law, abolishing the possibility of any appointment or dismissal of the Members of Parliament by political parties. Changes are also seen in foreign policy. Last year, Serbia significantly improved relations with Croatia and Bosnia and Herzegovina. Earlier this year, a dialogue with Kosovo was launched, which also came to meet EU expectations. In recent months, the attitude of Serbian authorities towards Kosovo has changed fundamentally, and President Tadić points straight to the need for a rapid solution of the issue.

However, the most socially desirable reforms relate to economic recovery. As a result of the global economic and financial crisis, Serbia experienced in 2009 a recession of 4% and double-digit inflation that caused a rise in food prices. Although the International Monetary Fund recently confirmed that Serbia is slowly recovering from the crisis and the government complies with the agreements on the limitations in public spending—which will allow the signing of agreements for a one billion euro loan in September—the unemployment rate in the country still reaches 20% and more than half of its population believes that in obtaining jobs ties to political parties are more important than skills. Among other obstacles to economic recovery, Serbia has not recorded significant progress in recent years in dealing with an awkward process of privatization or in fighting one of Europe's highest levels of corruption. Moreover, Serbia has to combat organized crime more effectively, carry out reforms in the judiciary and modernize an inefficient administration.

Conclusions and Recommendations. Mladić's arrest and his smooth transfer to The Hague shows Serbia's commitment to cooperation with the ICTY. Both this event and other efforts for democratization should not remain unnoticed. As for European integration, this country should be treated based on the principles that apply to other countries included in this process. If Member States enable Serbia's progress in talks with the EU, it would positively contribute also to the dialogue between Belgrade and Pristina.

If the opinion of the European Commission concerning Serbia's application for the EU membership is positive, then Poland—which will be holding the Presidency of the EU Council and which has repeatedly declared its support for European integration for this country—should act not only in favour of bringing about such a status for Serbia, but also should seek compromise among the Member States to set a date for the country to begin negotiations with the EU. The start of negotiations—as in the case of Croatia—along with significantly speeded-up internal reforms improved cooperation with ICTY. Moreover, progress in Serbia's EU integration would contribute to the democratization processes in neighbouring countries.

Given Serbia's changing approach to the Kosovo issue, it is worth finding a formula that would allow the participation of representatives of both Serbia and Kosovo in talks on a regional or European level. Especially now that conditions are favourable; both the recently established dialogue between the two countries and the fact that Poland—despite its recognition of Kosovo's independence—enjoys acclaim in Serbia and is seen there as a model country for successful democratization and economic development. Taking steps to speed up Serbia's integration with the EU—beyond efforts in favour of granting candidate status for membership by the end of this year—would both authenticate Polish statements made towards Western Balkan countries and confirm its commitment to promote the EU's enlargement policy.