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Serbia: What is to be done ?

By Marko Attila Hoare, 29th April 2008

EXECUTIVE SUMMARY:

1. The Dutch and Belgian policy, of withholding a Stabilisation and Association Agreement (SAA) from Serbia as a response to its failure to cooperate over the arrest of war-criminals, is commendable but problematic, as it threatens to reward anti-Western Serbian politicians who actively want to keep Serbia out of the EU.

2. However, allowing Serbia to sign the SAA without demonstrating cooperation over the war-criminals issue is equally dangerous, as it would encourage further Serbian trouble-making in the Balkans, to which our less principled European allies cannot be relied upon to respond appropriately.

3. We can square the circle - sign the SAA with Serbia without appeasing it - if we respond to the Serbian failure to cooperate over the arrest of war-criminals by dismantling Bosnia's Serb Republic and reintegrating the Bosnian state.

4. This would serve the additional purpose of removing a major element of instability in the Balkans, and reconstituting Bosnia as a pillar of the Euro-Atlantic order.

In its dealings with Serbia, the EU has never been very competent in balancing the stick and the carrot. Serbia's signing of a Stabilisation and Association Agreement (SAA) with the EU is facing resistance from the Netherlands and Belgium because of Serbia's failure to cooperate over the arrest of war-criminals indicted by the UN tribunal in The Hague. It now appears that the Netherlands and Belgium are **softening** their resistance to the SAA with Serbia, though without ending it altogether. While the Low Countries' insistence that Serbia must cooperate fully with the Hague Tribunal is commendable, it is also problematic: the anti-Western nationalists grouped around Serbian Prime Minister Vojislav Kostunica would anyway prefer Serbia *not* to join the EU and are **opposed** to signing the SAA even if it is offered, so are likely to view a veto of the agreement as a reward rather than a punishment. Conversely, the pro-EU elements around President Boris Tadic have not the power to arrest war-criminals against the will of the nationalists, however much they might like to. And the longer the impasse over the SAA continues, the more the anti-Western nationalists strengthen their hand vis-a-vis the pro-Europeans, and the closer Serbia drifts to Russia.

The **best elements** in Serbian politics are the ones keenest for the SAA to be signed. Yet for all this, there are strong arguments *against* signing it at the price of Western capitulation on the issue of war-criminals. Serbia has a long way to go before it achieves the political and democratic standards to make it a suitable EU member. Easing the pressure on Serbia would reduce the

incentive for it to reform, thereby paradoxically slowing its achievement of these standards. All the evidence, painfully gathered since the early 1990s, overwhelmingly points to the conclusion that Serbian nationalism cannot be appeased: making concessions over the issue of war-criminals will not result in Serbian leaders making concessions in return; rather, it will be perceived as a sign of weakness and an invitation for Serbia to demand further concessions from the EU. This is particularly dangerous for two reasons.

Firstly, even if they perform well in the Serbian parliamentary elections scheduled for 11 May - which is by no means certain - the pro-EU elements around President Tadic and the Democratic Party are far from being model Europeans and democrats; they staunchly align themselves with Kostunica's faction in opposition to the independence of Kosovo, and have shown themselves to be every bit as pettily and small-mindedly anti-Kosovar as the more anti-Western nationalists over this issue. Tadic has disgracefully stated that Serbia should join the EU in order **to prevent Kosovo from joining**, showing that he, his party and his country all still have a lot of growing up to do before they are fit for EU membership. Give them a carrot over the war-criminals issue and they are likely to take the whole sack, indeed bite the hand that feeds them. In other words, concessions over the war-criminals issue are likely to encourage Tadic and the Democrats to play a more destabilising role over Kosovo, thereby setting back the Balkans' Euro-Atlantic integration.

The second reason why we should be wary of giving Serbia concessions over the war-criminals issue is that this could be the thin end of the wedge, given the bad faith with which some of our European allies approach South East Europe. At the NATO summit in Bucharest earlier this month, both France and Germany, in particular, showed themselves ready to sacrifice Europe's principles and interests, and to let down NATO aspirants Ukraine, Georgia and Macedonia, in order to appease Russia and Greece. The fact that there was absolutely **no justice whatsoever** in Russia's objection to a NATO Membership Action Plan for Ukraine and Georgia or to Greece's opposition to Macedonia's membership of the alliance, and the fact that keeping Macedonia out of NATO is actively destabilising the Balkans, mattered

nothing to our Machiavellian allies. To appease Serbia over the war-criminals issue is an open invitation to France and, in particular, to pro-Russian Germany to offer further concessions to Moscow and to Belgrade at the expense of Balkan stability, British and US interests and the interests of the Western alliance as a whole. So long as we are firm with Serbia, we limit the possible scope of such French and German mischief-making.

How, then, to square the circle: to avoid appeasing Serbia and avoid pushing it away from the West at the same time ?

There is, in fact, a very simple way: to change the stick. Rather than withholding the SAA, which ultimately damages Western interests as much as it punishes Serbia, we should respond to Serbian non-compliance over the arrest of war-criminals by dismantling Bosnia's Serb Republic (*Republika Srpska*), something that would *serve our interests well* and uphold our principles at the same time.

The *Republika Srpska* is a destabilising factor in the Balkans. It was created by Serbian aggression and genocide against Bosnia in the early 1990s, a genocide that has now been recognised by three different international courts: the UN's International Criminal Tribunal for the former Yugoslavia; the International Court of Justice; and the European Court of Human Rights. The *Republika Srpska's* existence as a sectarian, apartheid state represents a gross injustice to the nearly 50% of the territory's population that was made up of Muslims, Croats and other non-Serbs at the start of the 1990s - it is because this entity's territory was nearly half non-Serb until it was ethnically cleansed that it has no legitimate right to secede from Bosnia, or even to exist. The *Republika Srpska* was recognised by the Dayton Agreement in November 1995, at a time when Western diplomacy was at its most ignominious, Serbian military capability was most grossly overestimated and British policy was determined to appease the insatiable aggressor.

There is no reason why we should feel bound to honour our earlier, disastrous mistake. Dayton was an agreement, and the simple truth is that the leaders of the *Republika Srpska* have not honoured their side of the bargain.

War criminals have not been arrested. Muslim and Croat refugees have, for the most part, not been allowed to return. *Republika Srpska* Prime Minister Milorad Dodik responded to the ICJ's recognition of the Srebrenica genocide by [rejecting its verdict](#), revealing his contempt for international law. He attended the anti-Western, Serb-nationalist rally held under Kostunica's leadership in Belgrade following the recognition of Kosovo's independence, when the US embassy was set on fire, and publicly mooted a *Republika Srpska* UDI. The *Republika Srpska*, meanwhile, obstructs the functioning of Bosnia-Herzegovina as a state, hindering its Euro-Atlantic integration and economic reconstruction.

Responding to the Serb failure to arrest war-criminals by dismantling the *Republika Srpska*, instead of by withholding the SAA from Serbia, would serve our interests in every respect. It would allow us to punish the Serb nationalists for their behaviour while holding the EU door open to Serbia. It would serve Belgrade notice that Serb nationalism will pay a very real penalty for each and every act of obstruction, while rewarding the loyal, pro-European Bosnian (Muslim-Croat) Federation. It would remove a major element of instability and bridgehead of Russian influence in the Balkans, strengthen Bosnia-Herzegovina as a reliable pillar of the European order and reverse the Western alliance's earlier disgrace in allowing the country to be emasculated in the first place.

Decoupling Serbia's EU accession from the war-criminals issue would simplify future EU relations with Serbia, whose EU accession could be more straightforwardly linked to its good behaviour over Kosovo. We could then set before Tadic and his pro-EU faction in Serbia a set of conditions for the signing of the SAA that they could reasonably be expected to fulfill: an end to all instability and violence on the Serbia-Kosovo border and among the Kosovo Serbs; an end to all Serbian obstruction and destabilisation of Kosovo as a self-governing entity; and a commitment that Serbia's dispute with Kosovo will be resolved only through peaceful, consensual means. This would pave the way toward a *de facto* acceptance of Kosovo's independence on Serbia's part, while the final, formal Serbian recognition of Kosovo would be a precondition for Serbia's final, full membership of the EU.

It might be objected that dismantling the *Republika Srpska* would provoke Bosnian Serb resistance, therefore instability. The Western alliance has spent much of the last two decades flinching before the Serb-nationalist paper-tiger, and there is no reason for it to continue to do so. The dismantling need not take the form of a formal abolition of the Bosnian Serb entity, but of its transformation into a shadow entity which would continue to exist on paper, with its own administrative borders and flag - helping to mollify Serb popular sentiment - while all real power would be transferred to the central Bosnian institutions. *Republika Srpska* politicians would be likely to resist, but only up to a point: their refusal to participate in the reconstituted Bosnian state would leave all power in Bosnia in Muslim and Croat hands, while economic sanctions would make prolonged obstruction extremely costly to them. In fact, there is a precedent for this: Bosnian Croat nationalist politicians have repeatedly attempted to rebel against the Bosnian constitutional order, and each time the international community has successfully faced them down. The firmness that worked with the Bosnian Croat nationalists can equally work with their Bosnian Serb counterparts.

A second objection might be that dismantling the *Republika Srpska* would be 'anti-Serb'; i.e., objectively unjust. This is true only if one views treating the Serbs exactly the same as every other Balkan nation to be 'anti-Serb'. In Bosnia, the Croats were deprived of their own sectarian, ethnically pure, self-proclaimed 'republic' by the terms of the Dayton Agreement, while the Serbs were allowed to keep theirs. This application of double-standards, to the benefit of the Serb nationalists and at the expense of the Croat nationalists, did not produce any qualms among Western politicians. Likewise, the Ohrid Agreement that brought an end to fighting between the Macedonian government and Albanian rebels in 2001 granted the large Albanian minority in Macedonia very reasonable, substantial rights that fell short of territorial autonomy, thanks to which Macedonia has enjoyed seven years of internal peace and functions as a state much better than Bosnia does. Alone in the Balkans, it is the Serb nationalists who have been allowed to carve out a sectarian entity, where none previously existed, from a multiethnic, unitary republic, on territory - it is worth repeating - that was barely more than 50% Serb prior to the ethnic cleansing of the 1990s.

Far from being a violation of Bosnian Serb self-determination, the ideal of a unitary, self-governing Bosnia-Herzegovina as the common homeland of Serbs, Croats and Muslims was one that successive generations of Bosnian Serb politicians upheld. When the Bosnian republic originally came into being in 1944-46, its president and prime-minister were both Serbs, and both champions of Bosnian unity and self-rule. Conversely, the goal of *dismembering* Bosnia is one that Serb nationalists have begun to follow, consistently and openly, only more recently. As late as 1990, when the Communist regime in Bosnia fell, the Bosnian Serb nationalists who campaigned successfully for the Bosnian Serb popular vote did so without ever saying that their goal was the dismemberment of Bosnia - the war of destruction they launched against the Bosnian republic in 1991-92 had no democratic mandate from the Bosnian Serb people. Of course, the traditional Bosnian Serb support for a united, self-governing Bosnia always presupposed a close link with Serbia - a desire that was satisfied so long as the Yugoslav Federation existed. But in this respect, we can satisfy Bosnian Serb national feeling: as fellow members of the EU, Bosnia and Serbia will be as closely linked as they ever were within Yugoslavia.

The present author is not the only one to favour a reform of the Bosnian state along such lines. On 25 September 2007, Republican Representative Christopher Smith of New Jersey, supported by Democratic Representatives Russ Carnahan and John Olver of Missouri and Massachusetts respectively, sponsored a resolution in the US House of Representatives ([H.Res. 679](#)) for Bosnia's reorganisation on a basis similar to that which I have suggested here.

For the past two decades, the Balkans have suffered the effects of Western policies that were ad hoc, short-termist and reflected the lack of will of their initiators. With Russia increasingly aggressive and assertive in the region, Serbia on a knife-edge between democracy and a reversion to nationalist extremism and authoritarianism, and Kosovo and Macedonia fragile and vulnerable, such dilettantism can no longer be afforded. It is time for both a stick and a carrot that are worthy of the names.

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