



# CFSP

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## An analysis of Serbia's alignment with the European Union's foreign policy declarations and measures in 2017

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# **An analysis of Serbia's alignment with the European Union's foreign policy declarations and measures in 2017<sup>1</sup>**

From January 1 until December 31, 2017, the European Union issued a total of 41 declarations urging candidate and potential candidate countries, as well as states belonging to the European Economic Area and Eastern Partnership, to align themselves with these documents. During that period, Serbia complied with only 19 declarations, i.e. 46 percent. This is a significant drop when compared to the first six months of 2017, when it complied with 69 percent of them – or with the 67 percent compliance in 2016, and 74 percent in 2015.

Of the 22 declarations Serbia failed to align itself with, seven pertain to the situation in Ukraine, in the context of Russia's involvement in various aspects of the crisis there, four to African states (two to the Democratic Republic of the Congo, and one each to Chad and Uganda), three to the war in Syria, three to the crisis in Venezuela, and one each to Bosnia and Herzegovina, Myanmar (Burma), Russia, the Transnistria region in Moldova, and the International Criminal Court.

In regard to foreign policy declarations concerning the situation in Ukraine that Serbia failed to align itself with, six involved the extension of the already imposed restrictive measures against certain entities and individuals from Russia and Ukraine. While some of these targeted mostly the entities and individuals from the Russian Federation deemed responsible for undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (in most cases in relation to Donbass, but one dealing specifically with Crimea and Sebastopol), others exclusively mentioned Ukrainian nationals considered to be responsible for the abuse of state funds prior to March 2014, among them Ukraine's former president, Viktor Yanukovich. As in two previous years, Serbia also failed to conform to the declaration concerning the downing of the Malaysia Airlines aircraft (flight MH17). That declaration sought support for the Joint Investigation Team still examining the facts surrounding the incident. Finally, Serbia failed to support the EU's views on the Sudanese President Omar Hassan al-Bashir's visit to Moscow. Namely, the 2005 U.N. Security Council Resolution 1593 urged the International Criminal Court to indict Al-Bashir for violating international humanitarian law and human rights law in Darfur. In 2009/2010, when the Court issued two charges against him, Al-Bashir was still beyond the reach of international justice. Bearing this in mind, the European Union, as a promoter of international law and of the Court, urged U.N. member states, as well as those who ratified the Rome Statute, the Court's founding document, to abide by their commitments. The declaration also urged Russia, as a permanent member of the U.N. Security Council, to respect the obligations it had accepted.

The declarations concerning Syria that Serbia failed to comply with addressed the instances in which the EU insisted on Russia's direct involvement in certain incidents. One declaration condemned an aerial attack (with a possible use of chemical weapons) on the city of Khan Shaykhun in the Syrian province of Idlib. In the document, the EU called on the U.N. Security Council to convene and strongly condemn that attack. The second declaration was issued after the U.N. Joint Investigative Mechanism – the Organization for the Prohibition of Chemical Weapons – determined that sarin gas was used in the attack. In both instances the EU urged Russia, as an ally of the Damascus regime, to exert pressure in order to prevent future use of chemical weapons by the Syrian army, i.e. to have Syria fulfil its obligations as a member of the Chemical Weapons

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1) The analysis covers all EU foreign policy declarations seeking the alignment of third countries, made publicly available on EU Council's webpage [consilium.europa.eu](http://consilium.europa.eu).

Convention. In the third declaration the EU expressed regrets over the parties' failure to reach an agreement on the renewal of the Mechanism's mandate, which it interpreted as a direct result of the Russian Federation's veto.

It should also be noted that in addition to these three, Serbia complied with EU's further four declarations on Syria, all insisting on the extension of restrictive measures against individuals and entities in that country. Yet another declaration issued on the occasion of World Day for International Justice, also involving Syria, was not accepted by Serbia. That document explicitly mentioned the EU's support for the international, unbiased and independent mechanism set up by the U.N. General Assembly in December 2016, with the purpose of aiding the investigation and prosecution of persons responsible for committing the gravest crimes in Syria according to international law. Before the vote, however, Russia, among others, expressed its opposition to setting up of the Mechanism, thus bringing in question the legality of such General Assembly's move. Later, Russia also sent a nota verbale to the U.N. Secretary General over this issue.

Serbia also failed to comply with the declaration on the ethnically Russian region of Transnistria in Moldova, which had unilaterally declared its independence, pertaining to the extension of restrictive measures against individuals and entities from that region. This case is very interesting because, previously, Serbia used to align itself with all declarations on this region.

In general, thus, Serbia continues to consistently non-aligning itself with declarations involving Russia, even extending this practice to those concerning examples such as Transnistria, which it had no problems accepting in the past. In doing so, Serbia is also attempting to indicate that only those declarations mentioning Russia as well as its other, previously announced foreign policy priorities – such as China, Kosovo, Serbia's specific position after the Socialist Federal Republic of Yugoslavia's dissolution, etc. – are problematic, while aligning itself without hesitation with all others. (For example, Serbia complied with all declarations dealing with Syria that did not concern Russia's involvement in that country). Still, Serbia's two major political goals – European integration, and preservation of its sovereignty over Kosovo – are rather incongruent, since for the latter Serbia needs support from Russia, a permanent member of the U.N. Security Council. In other words, although it is incompatible with the framework of Chapter 31 – the common foreign security and defense policy – Serbia continues to maintain and, in some segments even expand, its relations with Moscow.

As far as the African countries are concerned, Serbia did not align with two declarations on restrictive measures against the Democratic Republic of the Congo, or with EU's declarations protesting against the visit of the already mentioned President of Sudan, Al-Bashir, to Uganda and Chad. The reason for such a position probably lies in the fact that two years ago these countries voted against Kosovo's admittance to UNESCO. This may have been the way for Serbia to express its gratitude for Uganda's and Chad's support in the matter, as well as an attempt to ensure a future favourable vote for itself, in case Kosovo should once more try to join that organization.

Serbia did not comply with the declarations on the situation in Venezuela either. Two of them concerned the elections for a Constitutional Assembly organized by President Nicolás Maduro's regime, and the continuation of the regime's political repression against the opposition, and Maduro's lack of will to cooperate with a "group of friends," a proposed alliance of several countries from the region. The third declaration concerned restrictive measures on the delivery of arms and military equipment to Venezuela, as well as against certain individuals and entities

from that country. The reason for Serbia's position on these documents probably may also be explained by Venezuela's non-recognition of Kosovo's independence, and its refusal to vote in favour of Kosovo's membership in the UNESCO.

Of the three EU foreign policy declarations on Myanmar (Burma), Serbia complied with two, both dealing with restrictive measures against Myanmar, while abstaining to comply with the one on the situation in the state of Rakhine, involving the violence against members of the Rohingya Muslim minority which began during the government's military intervention in August 2017, and which resulted in 650,000 people fleeing their homes. The reason why Serbia decided to avoid complying with this declaration may lie in Russia's, China's, and some other countries' show of support for the Myanmar regime, culminating at the end of 2017 in open opposition to a U.N. General Assembly's Resolution on the Rohingya, initiated by the Organization of Islamic Cooperation.

The last remaining declaration, on restrictive measures (freezing of financial assets and introduction of travel bans) against individuals and entities from Bosnia and Herzegovina is the result of Serbia's adherence to its policy against alignment with declarations relating to the 1990s clashes in former Yugoslavia.

Thus, taking into account that the many declarations Serbia failed to comply with were tied indirectly to the recognition of Kosovo as an independent state, or directly or indirectly involved Russia, the percentage of its 2017 alignment with EU's policies comes as no surprise. Although lower than in the previous years, such percentage is the result of what may be expected from Serbia when it comes to compliance with EU foreign policy declarations. For, it is quite evident that Serbia places its interests tied to Kosovo, especially the prevention of its further recognition as an independent state, above all of its other foreign policy objectives. Still, it should be kept in mind that, by accepting the negotiation framework in the EU accession talks and thus Chapter 35's content, Serbia has pledged to normalize its relations with Pristina, the final result of which should eventually be the conclusion of a legally binding agreement on such an outcome.

## Alignment of other states with the European Union's foreign policy declarations and measures in 2017

In comparison to Albania, Montenegro and Macedonia, Serbia and Bosnia and Herzegovina considerably lag in alignment. Countries of the European Economic Area - Iceland, Liechtenstein and Norway also have significantly higher percentages. From the Eastern Partnership countries, only Moldova and Ukraine have a higher percentage of compliance.

State	Alignment Percentage
Serbia	46,34 %
Macedonia	85,37%
Montenegro	100%
Iceland	75,61%
Albania	100%
Bosnia and Hercegovina	60,98%
Turkey	19,51%
Lichtenstein	80,49%
Norway	80,49%
Moldova	70,73%
Armenia	14,63%
Georgia	56.10%
Ukraine	78,05%
Azerbaijan	0%

ANEX

**LIST OF THE EU'S FOREIGN POLICY  
DECLARATIONS IN 2017**

Alignment with the EU's foreign policy declarations and measures																
No	Name of declaration	Date	Ser.	Mac.	Mon.	Icel.	Alb.	BiH	Lich.	Nor.	Mol.	Arm.	Geor.	Ukra.	Azer.	Turk.
1	Declaration by the High Representative on behalf of the EU on the alignment of certain third countries concerning restrictive measures in view of the situation in Tunisia	January 27, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No
2	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine	March 3, 2017	No	No	Yes	No	Yes	No	Yes	Yes	Yes	No	No	Yes	No	No
3	Declaration by the High Representative on behalf of the EU on the alignment of certain third countries concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine	March 13, 2017	No	No	Yes	No	Yes	No	No	Yes	No	No	No	Yes	No	No
4	Declaration by the High Representative Federica Mogherini on behalf of the European Union on the International Day for the Elimination of Racial Discrimination	March 21, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes
5	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with Council Decision (CFSP) 2017/607 of 29 March 2017 concerning restrictive measures in view of the situation in Bosnia and Herzegovina	March 29, 2017	No	Yes	Yes	Yes	Yes	No	Yes	No	No	No	Yes	Yes	No	Yes



<b>6</b>	Declaration by the High Representative on behalf of the European Union on the alignment of certain third countries with Council Decision (CFSP) 2017/621 of 31 March 2017 concerning restrictive measures in view of the situation in Libya	March 31, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No
<b>7</b>	Declaration by the High Representative on behalf of the EU on the alleged chemical attack in Idlib, Syria	April 6, 2017	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No
<b>8</b>	Declaration by the High Representative F. Mogherini on behalf of the EU on the 15th anniversary of the decision on the border delimitation by the Eritrea-Ethiopia Boundary Commission	April 13, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	No
<b>9</b>	Declaration by the High Representative on behalf of the EU on the alignment of certain third countries with a Council Decision concerning restrictive measures against Myanmar/Burma	April 25, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No
<b>10</b>	Declaration by the High Representative, Federica Mogherini, on behalf of the EU on the occasion of the World Press Freedom Day, 3 May 2017	May 2, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
<b>11</b>	Declaration by the High Representative, Federica Mogherini, on behalf of the EU on the occasion of the International Day Against Homophobia, Transphobia And Biphobia, 17 May 2017	May 15, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No
<b>12</b>	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures against Syria	May 29, 2017	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No
<b>13</b>	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures against the Democratic Republic of the Congo	May 29, 2017	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No





29	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine	October 12, 2017	No	No	Yes	No	Yes	No	No	Yes	No	No	No	No	No	No	No
30	Declaration by the High Representative on behalf of the EU on the occasion of the International Day to End Impunity for Crimes against Journalists, 2 November 2017	October 31, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
31	Declaration by the High Representative on behalf of the EU on the use of chemical weapons in Syria	November 11, 2017	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes
32	Declaration by the High Representative Federica Mogherini on behalf of the European Union on President Al-Bashir's visit to Uganda	November 14, 2017.	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
33	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova	November 15, 2017	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
34	Declaration by the High Representative on behalf of the EU on the alignment of certain countries concerning restrictive measures against the Republic of Guinea	November 15, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
35	Declaration by the High Representative on behalf of the European Union on Myanmar/Burma	November 20, 2017	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
36	Declaration by the High Representative on behalf of the European Union on President Al-Bashir's visit to Russia	November 23, 2017	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

37	Declaration by the High Representative on behalf of the EU on the investigation of chemical weapons use in Syria	November 24, 2017	No	Yes	Yes	Yes	No	Yes	Yes	No	No	No	Yes	No	Yes	
38	Declaration by the High Representative on behalf of the European Union on President Al-Bashir's visit to Chad	December 6, 2017	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No	No	No	
39	Declaration by the High Representative on behalf of the EU on the alignment of certain third countries concerning restrictive measures in view of the situation in Venezuela	December 7, 2017	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	No	
40	Declaration by the High Representative Federica Mogherini on behalf of the EU on Human Rights Day, 10 December 2017	December 8, 2017	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	
41	Declaration by the High Representative on behalf of the EU on the alignment of certain countries with Council Decision (CFSP) concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine	December 11, 2017	No	Yes	No	Yes	Yes	No	Yes	No	No	No	Yes	No	No	
		<b>Date</b>	<b>Ser.</b>	<b>Mac.</b>	<b>Mont.</b>	<b>Icel.</b>	<b>Alb.</b>	<b>BiH</b>	<b>Lich.</b>	<b>Nor.</b>	<b>Mold.</b>	<b>Arm.</b>	<b>Geor.</b>	<b>Ukra.</b>	<b>Azer.</b>	<b>Turkey</b>
	Aligned with		19	35	41	31	41	25	33	33	29	6	23	32	0	8
	Did not align with		22	6	0	10	0	16	8	8	12	35	18	9	41	33
	<b>Alignment Percentage</b>		<b>46,34</b>	<b>85,37</b>	<b>100</b>	<b>75,61</b>	<b>100</b>	<b>60,98</b>	<b>80,49</b>	<b>80,49</b>	<b>70,73</b>	<b>14,63</b>	<b>56,10</b>	<b>78,05</b>	<b>0,00</b>	<b>19,51</b>

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