

POLICY OPINION

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The impact of the content and dynamics of the Belgrade-Pristina Brussels negotiations to foreign policy alignment of Serbia with the European Union¹

- Any type of permanent comprehensive normalisation of Belgrade - Pristina relations would have a positive impact on Serbia's foreign policy alignment with the EU. Serbia would no longer be under pressure to seek support from countries with which Serbia cannot realise its primary interests. Furthermore, Serbia would not be put in a confrontational situation regarding the EU's, foreign and security policy.
- If Kosovo would stop being a significant factor in Serbia's relationship with Russia, the strongest political factor for non-alignment with EU foreign policy would disappear.
- Even though Serbia has made significant progress in alignment with related other conditions (primarily related to Common Security and Defence Policy), the main challenge continues to be alignment with the EU's foreign policy declarations, hence it is crucial for Serbia to make a meaningful progress soon.

Foreign policy approach of the EU with which Serbia should progressively align consists of foreign policy declarations of the European Council and measures that follow (foreign political actions of EU), specific strategic priorities based on EU interests and values, and military and civilian missions for EU crisis management. Candidate countries are supposed to comply with the EU's position during negotiations and be able to gradually/ progressively join foreign policy declarations and EU measures (Common foreign and security policy – CFSP), as well as specific strategic priorities, so that they will be able to develop a system for sending personnel to military and civilian EU missions.

Before Serbia's EU accession process, this process was not particularly challenging for previous candidate states. However, the EU-Russia tensions on the Ukraine issue, which began in 2014 (especially after the annexation of the Crime) has opened a "front" which has spread to all those who were "in-between" the two sides. Therefore, joining foreign policy declarations and measures became much more important for the EU in this phase of accession, especially because some of these declarations are related to concrete and serious security challenges in the EU's immediate neighbourhood.

Yet the obligation of gradual alignment of Serbia and other potential candidates from the Western Balkans was set much earlier, at the Thessaloniki Summit in 2003 when the EU invited candidate countries and potential candidates from the Western Balkans to align with CFSP. The obligation of Serbia's gradual/progressive alignment became formalized with the signing of the Stabilisation and Association Agreement (SAA) in 2008. In Article 10, paragraph b, of the SAA it states that "an increasing convergence of positions of the Parties (Serbia and EU) on

1) The short version of this document, under the title *Comprehensive Resolution of the Kosovo Issue and the Foreign Policy Framework of Serbia's Negotiations with the EU*, the author presented at the session of the Internal Dialogue on Kosovo, which was organized on March 31, 2018 in Belgrade, by the National Convention on the EU (Working Group for Chapter 35) and the Working Group on Internal Dialogue of the Government of the Republic Serbia.

international issues, including CFSP issues”.² Since the outbreak of the Ukrainian crisis, the EU has started to insist on the term of “progressive harmonization” instead of “gradual harmonization”. At the same time, while 100% compliance is the goal at the moment of accession, there are no specific deadlines beforehand. Nevertheless, it is assumed that candidate countries will accept the common foreign policy framework as their own as soon as technically possible.

So far, Serbia has twice officially responded to the reasons that affect the dynamics of its alignment. The first one was given in response to the EU Questionnaire submitted in January 2011, and the second one in a bilateral analytical review (screening) of Chapter 31, held in September 2014. In reply to the questionnaire in 2011, the following was stated: “Not joining a certain number of statements and declarations is caused by the specific position of the Republic of Serbia after the disintegration of the Yugoslav state, and the well-known Serbia’s position on the unilateral declaration of the independence by the provisional institutions of self-government in Kosovo.”³ Also, it is mentioned that “in the gradual process towards EU membership, the Republic of Serbia, considering its national interests and joining the EU as a priority goal, will carefully work on aligning its positions with EU statements and declarations.” Other reasons, or specific interests towards other countries are not mentioned.

In the 2008-2012 period, Serbia most likely avoided alignment with all those declarations and measures related to countries that did not recognize Kosovo’s independence: Russia (and related declarations concerning the situation in Georgia, or South Ossetia and Abkhazia), China, Iran, North Korea and some other South American African and Asian countries - usually members of the Non-Aligned Movement.⁴ Declarations were often related to issues of the respect for human rights, usage of the death penalty, issues related to the activities of the International Criminal Tribunal, or the challenge of proliferation of nuclear weapons. All of these issues are opposed to the fundamental values that the EU promotes. At that time (until July 2010) Serbia conducted a diplomatic offensive actively fighting against further recognitions which resulted in submitting the question on the legality of Kosovo’s declaration of independence to the International Court of Justice.

In the 2011-2013 period there was a dramatic increase of alignment compared to the previous period, but it should also be noted that the number of declarations was considerably lower compared to 2008-2009, and that the number of declarations related to Russia and related topics, as well as those related to China, were also reduced.

Based on the information available on the EU Council website, in the 2008-2013 period Serbia aligned with EU Foreign Policy Declarations and Measures in the following manner:⁵

Year	2008	2009	2010	2011	2012	2013
Total number of declarations	170	152	61	86	66	32
Percentage of Serbia’s compliance	74%	65%	75%	90%	97%	93%

Serbia’s compliance with CFSP 2008-2013

In this period, however, Serbia began to comply with most of the declarations that did not directly concern Russia and China, as well as some other important partners (for example, with declarations related to events or measures towards Belarus or Iran). The reason for this can also be seen in the so-called German intervention of 2010-2011 which ended the *diplomatic offensive* of Serbia, resulting first in Serbia’s decision on a joint declaration in the UN General Assembly with the EU, and then transferring the Belgrade-Pristina dialogue on to the EU level.

Consequently, Serbia ceased to have a direct confrontation with the EU foreign policy, while the political tension settled down. The percentage of compliance therefore exceeded 90% in the 2011-2013 period.

2) Stabilisation and Association Agreement Between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part, 2008, p. 16

3) *Odgovori Republike Srbije na Upitnik EK – PG 31*, 2011, p. 9, internet [retrieved March 28, 2018] <http://www.mei.gov.rs/srl/dokumenta/nacionalna-dokumenta/odgovori-na-upitnik-ek/>

4) See Igor Novaković, *Od četiri stuba spoljne politike do evropskih integracija: Postoji li volja za strateško usmerenje spoljne politike Srbije?*, ISAC fond, Belgrade, 2013, pp. 41-48

5) In a bilateral screening, Serbia gave a slightly different non-alignment figures: 2010 - 48/33 (69%); 2011 - 65/60 (92%); 2012 - 66/64 (97%); 2013 - 32/29 (90%)- see *Bilateral screening Serbia :CFSP and CSDP: Institutional/organisational framework and structure*, 2014, p. 4, internet [retrieved March 28, 2018] http://www.eu-pregovori.rs/files/File/documents/skrining/bilateralni/prezentacije/pg31/pg31_1.pdf To je posledica nepostojanja konačne liste za svaku godinu deklaracija i mera na jednom mestu. This is due to the lack of a final list for each year of declarations and measures in one place. Researchers of the ISAC fund (in the period 2008-2017) compiled lists based on official press releases of the EU Council.

As already mentioned, the harmonization issue become crucial when Serbia officially opened the negotiations in 2014, especially after the outbreak of the Ukrainian crisis, which questioned the security order established in Europe after the fall of the Iron Curtain in 1989.

Since the bilateral screening in 2014, Serbia has begun to use supplementary argumentation (compared to the answers given in the questionnaire) to justify its disagreement with declarations concerning Russia, and from 2016 China as well, with interests not exclusively related to the issue of Kosovo's independence.⁶ Serbia has begun to justify its non-alignment with declarations related to Russia by the fact that, unlike the EU, "Serbia has no mechanism to compensate the damage it would suffer", since 95% of its energy imports are coming from Russia and Serbia has no alternative since "the Russian Federation is the only natural gas supplier of Serbia"⁷ and "developed economic cooperation with the Russian Federation, therefore the sanctions imposed would have adverse economic effects on the Republic of Serbia."⁸

According to that, since 2014, the number of declarations that Serbia has not been aligned with has grown, first of all the declarations concerning Russia or directly related to it, such as the Ukrainian crisis and the annexation of the Crimea, or the Russian engagement in Syria.

With renewed Pristina's efforts to join as many international organizations, especially those related to the UN, Serbia has started a new diplomatic offensive, with the clear aim of impeding these attempts. Of particular importance was voting for Kosovo's admission to UNESCO. Serbia has again started to work actively with African, Asian and South American countries to prevent the entry of Kosovo, and to repeal some of the recognitions of independence. It seems that the price of such an approach seems to be a noticeable decline in alignment that has now been extended to some of the declarations that concern these countries, and the percentage fell below 50% in 2017.

Year	2014	2015	2016	2017
Total number of declarations	35	34	33	41
Total number of declarations that Serbia is not aligned with	17	9	11	22
Number of declarations directly or indirectly related to Russia that Serbia is not aligned with	11	6	9	12
Number of declarations directly or indirectly related to China that Serbia is not aligned with	1		1	0
Number of declarations related to different African, Asian and South American states that Serbia is not aligned with	4	2	1	9
Number of declarations related to post Yugoslav wars situation, that Serbia is not aligned with	1	1	0	1
Number of declarations directly related the Kosovo issue, that Serbia is not aligned with	0	0	0	0
Percentage of Allignement	51	73%	66%	46%

Serbia's alignment with CFSP 2014-2017

It can be concluded that the reasons why the process of alignment with the EU's foreign policy for Serbia is a peculiar problem, is among other issues related to the unresolved issue of Kosovo's status, but also the fact that there are no clearly defined foreign policy priorities which are based on realistic and long-term interests. The primary foreign policy priority of the Republic of Serbia is EU membership, which was confirmed by the Serbia's Government Program and the 2004 and 2013 National Assembly resolutions. However, the "defense of Kosovo" in the international arena, in the way it is being implemented to date, and dealing with third countries that lead to the confrontation of Serbia with the EU, is directly opposed to this priority.

6) Mostly in the statements of the officials of the Ministry of Foreign Affairs for the media. For example „Dačić: Spoljne politike Srbije i EU nisu potpuno skladne“, Radio 021, October 15 2017, internet [retrieved March 28, 2018], <http://www.021.rs/story/Info/Srbija/173666/Dacic-Spoljne-politike-Srbije-i-EU-nisu-potpuno-skladne.html>

7) This is an interesting claim from the aspect of constant prolonging the construction of a gas interconnector to Bulgaria and the obligation to reform the functioning of the gas market, gas supply and transport in accordance with the second and third EU Energy Package, which has not been done to date.

8) *Bilateral screening Serbia :CFSP and CSDP...op.cit*, p.16

If the issue of non-alignment with the declarations related to particular third countries were initially primarily related to the issue of Kosovo, in the meantime relations with some have deepened, and above all with Russia and China, so that normalization of relations with Pristina does not automatically guarantee a lot of alignment. However, it opens path to it.

Any type of permanent comprehensive normalisation of Belgrade – Pristina relations would have a positive effect on Serbia's alignment with the CFSP. Serbia would no longer be under pressure to seek support from countries with which Serbia cannot realise its primary interests. Furthermore, Serbia would not be put in a confrontational situation regarding the EU's, foreign and security policy. A drastic fall in the percentage of harmonization that took place in 2017 would probably not happen again, and Serbia would, in any case, send a positive signal the EU and member states.

Consequently, Serbia would be able to make concrete progress on alignment. Permanent comprehensive normalization would allow the Kosovo status issue to cease to be a key political issue on which relations of Serbia and other third countries are built, primarily with Russia and China. This would put the focus of non-alignment on other issues related to these two countries, which are politically less challenging. Serbia would also be able to present a clear roadmap for the alignment process, thus contributing to the opening, and then to the successful closing of