



**Austrian Parliament**

**The contribution of the EU parliaments to the enhancement of the global role of the EU**

## **EU - Western Balkans relations**

Introduction by the President of the Austrian Nationalrat

Univ. Prof. Dr. Andreas Khol

Budapest, 7 May 2005

## 1. Introduction

Over the centuries, the heterogeneous structure of the **Balkans**<sup>1</sup> and its different ethnic groups, cultures, traditions and religions have produced a mosaic of peoples, cultures and languages that is unique in Europe. This mosaic existed as long as peaceful coexistence was imposed from above, be it as part of a multinational empire or a multiethnic dictatorship. Both forms of government could not resolve the tensions between the numerous ethnic groups in the long run and lead to a peaceful living together.

The **fall of the Iron Curtain** the disappearance of the dictatorial bracket of the Yugoslav “self-governing socialism” saw the beginning of military conflicts in the former Yugoslavia. While the countries of central and eastern Europe devoted their efforts to transforming their structures with a view to membership of the EU, the disintegration of a multi-ethnic and multi-religious state set the stage for a tragedy of war, genocide and “ethnic cleansing”. The civil-war-like conflicts in Albania in the second half of the 1990s cancelled out the initial progress that had been made. During these years of crisis, the old socialist government structures were accompanied by an uncontrolled and exploitive pseudo-market system and shadow economy and the formation of clan structures that benefited only a few people and were generally damaging to the population at large. Under these circumstances, public services could not and still cannot be financed, with the result that 50 per cent of the people of Bosnia and Albania subsist below the poverty level and many are forced to leave their countries of origin.

There have been some improvements since **Dayton 1995**: many exiles have returned, devastated villages and towns have been rebuilt, mine fields have been cleared and the fear of mass slaughter appears to have abated. The Balkan region nevertheless still illustrates many of the fundamental problems that face the international community, be it the limits of self-determination, the handling of ethnic conflicts, the need for crisis management and a new type of peace-keeping, or the legitimacy of humanitarian intervention.

---

<sup>1</sup> Under the term “Balkans” there exist different definitions that cannot be looked at in detail here.

In the last few years the **European Union** has been instrumental in helping democratic forces in Serbia to prevail and has played an important role in preventing civil war in Macedonia. It has taken over the United Nations policing mission and EUFOR (formerly SFOR) in Bosnia and Herzegovina and the NATO military mission in Macedonia (FYROM). Although the termination of the military conflicts was possible only with the aid of US military might, today it is mainly the EU that has the task of ensuring lasting peace with prosperity and stability. The problem that the EU might have with an image that is not associated with “action”, as is the case of the USA, ought to be surmountable.

The primary aim is to make the Western Balkans a **zone of stability**. There is only one option in this respect if lasting peace is to be achieved: the involvement of the entire region in the process of European integration as possibly the most effective stimulus for fostering internal transformation.

## **2. Thessaloniki agenda**

Within the EU Common Foreign and Security Policy, the Western Balkans comprises Croatia<sup>2</sup>, Bosnia and Herzegovina, the confederation of Serbia and Montenegro, Macedonia (FYROM) and Albania.

Unlike the countries of the European Neighbourhood Policy, these countries have had their prospects of EU membership confirmed in Feira and Zagreb in the year 2000, in Copenhagen in 2002 and at the European Council and summit meeting in Thessaloniki in 2003. The **Stabilisation and Association Process (SAP)** was established as a means of formalising the association of these countries with the EU and setting up a free trade zone. As with the Europe Agreements with the former applicant countries who joined the EU in the last round of enlargement, it also sketches out the reforms required for achieving the *acquis communautaire* as a prerequisite for future membership.

The **Thessaloniki agenda** calls in particular for further consolidation of peace and stability and the promotion of democratic development, combating organised crime and an “enriched SAP” with European partnerships. The Copenhagen criteria of 1993 that applied to the last

---

<sup>2</sup> Due to the status of Croatia as candidate country a revision seems necessary here.

round of enlargement remain in force, supplemented by some further specific criteria. These include full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), the safeguarding of human and minority rights, the creation of realistic conditions for the return of refugees and internally displaced persons, and a recognisable commitment to regional cooperation. Every country will proceed in its own way and at its own pace towards EU membership in accordance with the resources at its disposal.

As a complementary instrument, the **Stability Pact for South Eastern Europe** was created in June 1999, immediately after the Kosovo war and even before the SAP. Headed since 2002 by Erhard Busek, it coordinates the work of over 60 countries and organisations.

**Stabilisation and Association Agreements (SAA)** have been concluded to date with Croatia and Macedonia (FYROM) and negotiations for the conclusion of an SAA are in progress with Albania and Kosovo. A feasibility study by the European Commission for Bosnia and Herzegovina has been made, although negotiations have not yet got underway. On 12 April 2005, the feasibility study for Serbia and Montenegro was accepted, with the recommendation contained in it that talks on closer relations should be commenced. The annual reports of the European Commission serve as a guideline in the transformation process<sup>3</sup>.

Following the processes of reconstruction and rehabilitation, the political and economic transformation and alignment with EU law are the next steps. Support for these measures is provided in particular through the **CARDS programme**<sup>4</sup>, which has been allocated a budget of around €5 billion for the period 2000 to 2006. The programme includes capacity-building measures in the public sector, judiciary, police and border services, and a reform of the media.

Since autumn 2000, **Autonomous Trade Measures** by the EU have given duty-free access to EU markets for almost all goods, although there are problems in some countries because of the lack of institutional resources (the CE symbol, for example) necessary for export. Moreover, products benefiting from favourable EU export tariffs compete with local products and are forcing them out of the market. There is also a certain difficulty in the fact that the

---

<sup>3</sup> The most recent was the Third Annual Report, COM (2004) 202 final of 30 March 2004. The next report is expected in autumn 2005

<sup>4</sup> CARDS – Community Assistance for Reconstruction, Development and Stabilisation

priority target areas of the new EU member states border on the Western Balkans, with the result that border regions in particular are at a geographical disadvantage. The economies of these countries therefore continue to depend to a large extent on money transferred back into them by emigrés.

A number of **Community programmes** for SAP countries have been launched since November 2004. There are also plans for a new **financing instrument (IPA)**<sup>5</sup> to replace the current PHARE, SAPARD, ISPA and CARDS instruments. This will permit greater focus on medium-term development projects, which are inadequately addressed by CARDS.

The following factors have proved to be **obstacles to rapid transformation**:

#### Organised crime and corruption

- Organised crime (e.g. drug, arms and human trafficking) and corruption are so important because they can adapt rapidly to new situations. “Weak countries” are also an easier target.
- Political reforms are slowed down, economic development retarded and the rule of law compromised.

#### Disagreement about the division of power – absence of stable political structures

- Disagreement between population groups, political parties, and national and subnational government levels, and complicated or ambiguous constitutional arrangements create considerable obstacles.
- Bosnia and Herzegovina (BiH) was construed in Dayton as a single state with minimal competence and two extensively independent, ethnically defined entities, divided into cantons and the district of Brčko. Ten years later, mistrust between the entities remains great, and Bosnians, Serbs and Croats in the present-day BiH still have difficulty in regarding it as their home. There are 145 ministers and 154 governments (including local governments), and the associated administrations cost around 65 per cent of the state budget.

---

<sup>5</sup> IPA – Instrument for Pre-Accession, see COM (2004) 627 final

- Unfortunately, a new eruption of ethnic violence in Macedonia (FYROM) is not beyond the bounds of possibility.
- Proper functioning of democracy, a healthy political climate, freedom of the media and observance of human and minority rights need to be dealt with as priority considerations.

#### Dealing with the past

- In several countries, suspected war criminals are not being handed over speedily to the International Criminal Tribunal for the Former Yugoslavia (ICTY) for fear that this will play into the hands of the nationalists, since some sectors of the population see these individuals as “heroic freedom fighters”. If this dark decade is finally to be left behind, all cases need to be examined dispassionately by the ICTY. Only in this way will it be possible to ensure equal treatment irrespective of the country concerned.
- Stability in the region is contingent on the rule of law, which includes the prosecution of war crimes. The principles of the rule of law must not be subordinate to political opportunism. At the same time, the EU should respect serious efforts by the countries to track down suspects and should first of all define what is to be understood by “full cooperation”. There is no collective guilt for the actions of individuals, even the concept of the ICTY is based on individual guilt. This has to be applied everywhere.

#### Lack of capacities and legal basis

- An institutional and legal framework and the administrative capacities commensurate with a modern democratic society and functioning market economy are needed.
- Reforms of the judiciary and police that ensure an independent judicial system and international legal cooperation must not be delayed.
- Understanding for the targeted application of human rights standards needs to be created.

#### Future of the confederation of Serbia and Montenegro and the status of Kosovo

- Will a decision be made by referendum in Serbia and Montenegro in 2006 or earlier?

- In Kosovo an assessment of the fulfilment of the 61 international standards (e.g. number of returnees, reconstruction of houses, property rights guarantees for Kosovo Serbs, full freedom of movement for all) will be carried out in mid-2005 before a status decision is made, possibly in early 2006.
- The question of the status of Kosovo – to some extent a key issue for the entire region – needs to be solved by Belgrade and Pristina, with the assistance of the EU and USA under the auspices of the United Nations, but not through a decision imposed from the outside.

### **3. Contribution of the EU parliaments to strengthening the global role of the EU**

As major actors in democratic processes, parliaments have played an increasingly large role in the last few years regarding contacts with the countries of the Western Balkans. The Hungarian parliament carried out a commendable survey among the participating parliaments and received answers from many of them.

The **parliamentary contacts are extremely varied**. I should like to mention at this point that there is a special working group in Working Table I of the Stability Pact for South Eastern Europe headed by Petra Bläss, former Deputy Speaker of the German Bundestag, which is preparing an expert opinion on future parliamentary cooperation in south-eastern Europe.

#### Multilateral cooperation

- Parliamentary assemblies of the Council of Europe and the OSCE in which the countries of the Western Balkans are already integrated
- Parliamentary troika of the Stability Pact for South Eastern Europe (Council of Europe, OSCE and European Parliament, currently chaired by the Council of Europe-PA)
- Regional initiatives, such as the parliamentary assemblies of the Central European Initiative (CEI), Adriatic Ionian Initiative (AII), Black Sea Economic Cooperation (PABSEC) and the South-East European Cooperation Process (SEECP), and new forums such as the Cetinje Parliamentary Forum and the Regional Partnership

- Conferences of the parliamentary committees of countries of the Western Balkans (there will be a conference of European affairs committees similar to COSAC as of June)
- Meetings of groups of states, e.g. the foreign policy committees of the parliaments of Croatia, Macedonia (FYROM) and Albania in June 2004, with or without the participation of EU parliaments, eventually with different composition
- NATO Parliamentary Assembly's Rose-Roth seminars
- NGO meetings, e.g. East-West Parliamentary Practice Project, EastWest Institute, Friedrich Ebert Foundation

#### Bilateral cooperation

- Intense exchange of visits incoming and outgoing
- Presidents and Speakers, parliamentary delegations, visits by committees
- Political groups and their training facilities
- Seminars/workshops for parliamentarians and their staff
- Special programmes, e.g. a Joint Tolerance Programme by the Hungarian and Serbian parliaments to exchange information about minorities in the respective countries
- Training measures for members of parliamentary administrations
- Twinning of parliaments

The **following topics** are of current interest at these meetings with/between parliaments in the region:

- Constitutional issues
- Effective use of agendas
- Organisation of parliaments – increasing efficiency regarding
  - legislative procedures and drafting of legislation
  - election law reform and voter lists
  - consensus building, negotiations between parties
  - raising the professional quality of independent parliamentary officers
  - improving links between parliamentarians and their constituencies
- Developing relationships between politicians and civil society
- Quality and implementation of laws



- Political management, role of parties, party financing
- Parliamentarianism and democracy
- Awareness raising and promotion of the rule of law to combat organised crime and corruption
- Involvement of minorities in policy formation
- Public relations work by parliaments
- Parliamentary cooperation, as illustrated, for example, by the conference of foreign affairs and European affairs committees of parliaments at the SEECP in Bucharest at the end of March 2005
- Alignment with *acquis communautaire*
- Role of parliaments in the European integration process
- EU involvement by national parliaments
- Experience in particular of the new EU member states during the admission process
- Effects of EU membership
- Information exchange channels
- Education, welfare and combating poverty
- Cooperation in the energy sector

Contacts by parliamentarians also have the following **purposes**:

- Improved argumentation for action in their own country, e.g. aid measures
- Elaboration by parliamentarians from several countries or ethnic groups of possible solutions to conflicts of interests
- Public support for democratic reforms that people often only hardly can be convinced of
- Discussion of differences of opinion and concerns occurring between countries or within a country
- Inter-ethnic cooperation
- Exchange of experience
- Support in infrastructure development (offices, computers, etc.)
- Or simply networking and the creation of a spirit of partnership

#### 4. Conclusions

- The possible EU accession of the countries of the Western Balkans has proved to be the greatest stimulus to transformation to date.
- The EU was set up as a peace project and has made it impossible that countries that had been at war on and off for centuries resolve conflicts by armed force nowadays. This page has been turned and a dependable and firmly rooted system of peace has been established in an environment of relative prosperity. The underlying philosophy was – and is – that the growing convergence of nations and peoples in economic and other terms will make warfare impossible. That should be feasible in the Western Balkans and with the countries of that region within the EU community.
- Europe will not be united until these countries have joined the EU. The integration must, however, be based on the will of all concerned and cannot be coerced. The future members must come to terms with their own past and with the domestic political discussion associated with it and must espouse the values for which the EU stands.
- The cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) should not be regarded as a burdensome and inescapable duty but as the final chapter in a difficult history.
- A stable future under transparent conditions is also in the interests of the countries concerned. This is the only way to attract foreign investment and ultimately to meet the EU accession criteria. Disintegration cannot be the only answer, but in a supranational EU there will nevertheless be a need, regardless of nationalities and ethnic groups, to respect decisions made by the majority even if they are not in line with national positions. On the contrary, countries should focus on their shared histories and interests so as to be in a position to exert a greater influence on decisions within the EU.
- The wounds of the 1990s are far from being healed as yet, but a new generation of decision-makers is emerging who will have an easier task of dealing with taboos and turning their back on the past – in the interests of reconciliation.

- Although the Western Balkans is primarily a European problem, it will not be possible to find a solution without close transatlantic cooperation. While the authority of the USA results in particular from military interventions, the EU has more and more “soft power”.
- The countries of the Western Balkans are very different and yet very similar at the same time. The priority in the next few years should be to emphasise the similarities and to make the region one of stability and trust.
- A confusion of structures, persons and initiatives should be avoided. The focus should be on a small number of actors, with clear political leadership and responsibilities.
- The role of the international community should evolve with time into a partnership, with political decisions being left to democratically elected representatives of the people. This will also help domestic politicians to develop a sense of responsibility.
- The Western Balkans can be considered at other levels besides a rational one. Financial resources alone will not necessarily improve the situation. There is also a strong emotional aspect calling for sensitivity and sympathy.
- As a link to the people, parliaments can and should play an important role in the transformation process by sharing their experiences with others.
- Bilateral and multilateral cooperation must be continued, not so much by way of large-scale conferences but through meetings on specific topics with visible follow-up.
- Parliaments should be able to decide individually on the degree and intensity of cooperation.
- The Western Balkans have shown that the EU cannot undertake anything without an effective Common Foreign and Security Policy. This should be a lesson to us: the region remains the touchstone for the effectiveness of the EU’s own policy.
- The integration of the countries of the Western Balkans in the EU will create a zone of stability and ultimately strengthen the global role of the EU.