



Serbia and the SAA: A Bitter Pill to Swallow

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Serbian Foreign Minister Vuk Jeremic: "By signing the Stabilisation and Association Agreement with the EU, we have embarked on a path from which there is no return, unless we end it on 11th May"¹.

Introduction

The Stabilisation and Association Agreement [SAA] between the EU and Serbia was finally signed on 29th April 2008 with Serbian President Tadic, Foreign Minister Vuk Jeremic and Deputy Prime Minister Bozidar Djelic in attendance. Telling photos of the event showed faces of great relief, but slight trepidation. The document was signed in time for the premature elections due on 11th May, despite the current political climate in Belgrade and the objections of some EU member states regarding SAA conditionality. The news was welcomed by those in Belgrade who saw it as a coup for DS lobbying in Brussels and a potential electoral tool for use by the democratic bloc in their fight to keep the nationalists out of office. Others saw it in a different light. Prime Minister Kostunica (DSS) called the SAA "illegal and completely illegitimate"² whilst those who signed the document were labelled by many as traitors.

The SAA cannot officially come into force until the Serbian Parliament ratifies the agreement, which clearly will not happen until a new government is formed after the upcoming elections³. The document also requires ratification from EU member-state parliaments, which continues to be dependent on the transfer of the remaining ICTY indictees. The impact of the SAA, in real terms can be described as limited at best, due to these innate complications. But the symbolism of the signing itself may have an impact within a shorter, more immediate timeframe.

This new paper from the Pontis Foundation aims to examine the possible impact of the signing of Serbia's SAA, especially in relation to this weekend's snap elections.

Cementing the Theme of the Elections

Rightly or wrongly, the signing of the SAA can only be viewed within the terms of the vote due on the 11th May. At its most basic, the SAA has clarified and cemented the theme of this election and has consolidated the choices for voters into two fundamental camps. Although the two opposing wings have long been evident, divisions over the signing of the SAA have captured the essence of the central differences between the pro-democratic and nationalist blocs. On the one hand is the democratic bloc, personified by

¹ http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=05&dd=04&nav_id=49946

² <http://www.emportal.co.yu/en/news/serbia/49144.html>

³ According to Article 109 of the Serbian constitution, Parliament has until September 2008 to form a government. If no agreement is reached, new elections may be called.

President Tadic. His DS-led forces have managed to sign the SAA, in addition to moving forward with a visa agreement⁴, whilst enjoying overt support from Brussels. They have promised to locate and arrest the remaining ICTY indictees with a Ministry of Interior under DS control after what they hope will be a DS election victory. On the other hand, if the SRS win and are able to form a coherent coalition with the DSS, Prime Minister Kostunica has vowed to annul the SAA and possibly impeach Tadic for his involvement in the signing. Under the current Minister of Interior, DSS-member Dragan Jovic, limited progress has been made on ICTY. There is little hope for an improvement in this area if the ministry were to fall into the hands of the SRS.

Despite the further polarisation of the two camps over the SAA, it is the ability of the parties to exploit its signing to their advantage which will be the measure of its impact. The democratic bloc should make use of the opportunity handed to them by Brussels in the form of a signed SAA. To what extent the DS and its allies can capitalise on this achievement will depend on their own media strategy and the response of the voters themselves.

The use of the signing by DS has improved drastically from the initial lacklustre comments from President Tadic immediately following the ceremony, where he attempted to downplay its significance by labelling the document a trade agreement. Thankfully, this stance has now altered, with DS election material reflecting this new development. A particularly impressive move was the publication of a leaflet⁵ designed to explain the benefits which are to be gained from a ratified SAA; a situation which they insist can only occur under a DS-led government. This kind of strategy may yet have an impact on the essential floating voters, despite the majority of the electorate strongly aligned to one bloc or the other. In a close run election such as this, the undecided few make all the difference. The signing of the SAA can be argued to have the potential to give a new impetus to DS canvassing, as well as injecting some positivism into a generally negative campaign.

The opportunity exists whereby the event can be exploited particularly on a local level, where an immediate impact of the SAA signing can be viewed in the southern city of Kragujevac. Italian car firm Fiat have recently signed an agreement with the state on the production of new car models in Serbia. Fiat plans to invest EURO 700m into Zastava, assuming a 70% share of the company. They have commented that the SAA signing guarantees customs-free car exports; a key attraction for Fiat.

Recent polling regarding the SAA also paints an interesting picture. A Strategic Marketing survey of 546 citizens taken on the day after the SAA signing⁶ revealed 53% of respondents supported the action. However, 37% believed the signing indirectly implied acceptance of Kosovo independence. The key is for the DS to break the link between the SAA and Kosovo. If they can focus the electorate's attention on the economic and social benefits of progress towards the EU, this may help maximise the document's impact, regardless of its stature of non-ratification. However, many still question the weight of a document which continues to be legally invalid, preferring to view the SAA as an empty and even damaging gesture on the part of Brussels, signed out of fear of an SRS-led Belgrade, with little tangible result and no concrete impact.

An Empty and Damaging Gesture?

The relationship between Brussels and Belgrade has been one marked by complexity and occasionally, contradiction with the hot topics of Kosovo and ICTY ruling over current relations.⁷ It was within these difficult circumstances that the SAA was signed. Calculated

⁴ See Pontis paper: EU-Serbia Relations: The Rocky Road to Brussels, 25th April 2008

⁵ <http://www.zaevropskusrbiju.rs/>

⁶ 30th April 2008

⁷ See Pontis paper: EU-Serbia Relations: The Rocky Road to Brussels, 25th April 2008

motives were clearly at play, with Brussels keen to boost the electoral chances of the pro-democratic bloc in Serbia, whilst hankering after a foreign policy success for both EU Presidency holders Slovenia and EU Foreign Policy chief Javier Solana. This followed a swift downturn in relations with Belgrade which came on the tail of the EULEX mission deployment in Kosovo and the recognition of Kosovan independence by the majority of member-states. But many view the signing of the SAA as an empty gesture. Without proper ratification and implementation, the document could be seen as useless, especially without movement on ICTY.

Criticism regarding the issue of ICTY conditionality has been particularly harsh. Despite the ratification caveat insisted upon by the Dutch and the Belgians, many view the signing of the SAA as counterproductive, making a mockery of ICTY conditionality. Think tanks such as Human Rights Watch have maintained that the signing of the SAA has undermined the credibility of the pro-democratic bloc in Serbia⁸ by ignoring the very conditions the EU itself laid down. They argue that the SAA was a major carrot to pressurise Serbia into showing its commitment to human rights by arresting the remaining indictees. They now view the EU as having thrown this chance away.⁹ Within a regional context, Bosnian victims of ICTY indictee General Mladic have also been vocal in their criticism. Kata Hotic, who lost numerous family members at Srebrenica, told Reuters "if Europe can accept a Serbia which is hiding war criminals....such a Europe means nothing to us".¹⁰

The wider issue of the consistency of EU policy towards the way it treats different candidates for enlargement is also relevant. Accusations of double standards have been made, especially within the region where the EU is charged with applying different rules for different countries. The message for others that the SAA signing may produce, could damage the EU's reputation and even play into the hands of anti-European forces. Moreover, Brussels' 'meddling' may ultimately be in vain, if the Serbian electorate chooses to follow a more radical path regardless.

Conclusion

To assess the impact of the signing of the SAA in terms of concrete results is clearly difficult before the elections of 11th May take place. Despite the criticisms laid down against the document and its weaknesses with non-ratification key to this, the Pontis Foundation believes a potential impact cannot be overlooked. Essentially, the strength of the SAA signing lies in the opportunity it gives to the democratic bloc to exploit. If they do this well, an impact could be felt quickly, in terms of an increase in support for DS and their allies. But they must focus their attention on identifying the economic and social benefits of ratification, whilst distancing the SAA from any connections relating to the explosive issue of Kosovo.

The signing itself consolidated the central theme of the election and has made the stark choice for voters clearer. But it is up to Belgrade to wipe the ICTY slate clean before reaping any future concrete benefits. This will also be vital for regional relations. In terms of the motives of the EU, it seems likely that Brussels is indeed desperate to avoid an SRS government in Belgrade. They may view any inconsistency in policy as a price worth paying for Serbia's progress along the Stabilisation and Association Process [SAP].

The SAA cements EU commitment to Serbia. But it is now in the hands of Serbia to show its commitment to the EU via the ballot box; otherwise the SAA signing will have been in vain.

⁸ 'Rights Groups Query EU Serbia Deal', by Gjeraqina Tuhina, Balkan Insight, 30 April 2008

⁹ <http://www.hrw.org/english/docs/2008/04/29/serbia18679.htm>

¹⁰ <http://www.reuters.com/article/latestCrisis/idUSL30829258>