

The International Institute for Middle East and Balkan Studies (**IFIMES**) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. **Hannes Swoboda**, Member of the European Parliament, member of the Committee on Foreign Affairs of the EP, the Vice-President of the PSE/PES Group and the vice-president of the European Parliament's delegation for relations with south-east Europe as well as the rapporteur of the European Parliament for Croatia, in his contribution "**Balkans: Longer Stay in the Waiting Room**" presents an overview of the current situation in the Slovenian-Croatian relations as well as in the region concerned, referring to its EU ambitions. His contribution is published in its entirety.



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BALKANS: LONGER STAY IN THE WAITING ROOM

At the beginning of each of the last years we said: "In this year we have to take a big step forward towards integration of the Balkans into the EU". And at the end of each year we were disappointed. And I fear the same will be true for 2009. We have to

recognise that developments in South East Europe are going much slower than we expected. Perhaps this is well accepted in some EU-circles who would not like to proceed with enlargement to quick anyway. But of course it could enhance this tendency and create new fears and disappointments in the region. It may lead to despair and emigration especially of the younger generation.

This "common" contribution to the slowing down or even interruption of the enlargement process is no good news. It could also undermine some of the existing conflicts and invite some groups and countries to invent or bring some new conflicts to the surface. Therefore all the countries of the region should try to do their homework and solve the bilateral conflicts.

Croatia did a lot of its homework. A new boost was given to its fight against corruption and organised crime. The work is not yet finished but on a good way to be in a satisfactory status very soon. But there are still two open questions: one concerns the full cooperation with the International Criminal Court in The Hague. The other concerns the boarder conflict with Slovenia.

The recent proposal by Commissioner Olli Rehn to set up a mediation group headed by Martti Ahtisaari is definitely a step forward and gives a clear sign to the two partners, that the EU wants a quick solution to the dispute.

But I think that the argument about the legal basis to solve the conflict is not respected enough and must be part of the method and procedure to solve the crises. Both aspects the political, which is underlined by Slovenia and the legal, which is the main concern of Croatia, must be respected.

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Basically it would be the best to follow both tracks at the same time. The two partners could agree to go to an international body and agree to negotiate a political solution which meets the central demands of the Slovenian side concerning the Piran Bay and the free access to the sea. If the court would decide in that direction anyway an additional agreement between the two sides is no longer necessary.

If the court would decide in the direction of the Croatia position, Croatia must offer a voluntary but legally binding agreement with Slovenia to meet their basic demands. In that way Croatia would have a conformation of their legal position and Slovenia would have a political success out of negotiations with Croatia.

The mediation team proposed by the EU Commission could work on the details of this double track approach and help to find a negotiated solution in addition to the court decision. If the two sides could agree not to appeal to an international court but agree to include the international law more strongly and directly into the deliberations of the mediation commission to find a solution for the border dispute, this of course could also be accepted.

In any way without the respect of the international law it will be difficult to come to a compromise on even the road map to find a solution. Political and legal aspects must be combined for both countries to convince their own population of any compromise as justified and fair.

And in my widely accepted and voted recent report on Croatia in the European parliament I introduced the following amendment: "Recalls the informal agreement reached on 26 August 2007 by the Prime Ministers of Croatia and Slovenia on the submission of their border dispute to an international body; welcomes the readiness of Croatia and Slovenia to accept the mediation offer made by the Commission and takes the view that this mediation should be based on international law; in this context, looks forward to a rapid advancement of the accession negotiations;"

One can only hope that both countries can find an agreement on the mandate and road map for the mediation commission.

Macedonia is still not ready to open negotiations according to the evaluation of the Commission so far. In addition the name issue and dispute with Greece threatens to block the opening of the negotiations. Therefore we agreed in the European Parliament to state: " Supports the efforts of mediator Matthew Nimetz within the UN, as envisaged by the above-mentioned UN Security Council resolutions S/RES/817 and S/RES/845 of 1993, aimed at resolving the differences that have arisen over the constitutional name of the state in order to reach final agreement between the former Yugoslav Republic of Macedonia and Greece as soon as possible, on the basis of his proposal of 6 October 2008 as to how the distinction between the various areas which belong to different states but have in common the fact that they are called Macedonia can be clarified internationally; realises that this proposal is viewed with hesitation by both parties; takes note of the appointment of the new negotiator for the former Yugoslav Republic of Macedonia; requests both parties to remain committed to the talks under the auspices of the UN and to reach a compromise solution, so that the issue does not continue to represent an obstacle to the former Yugoslav Republic of Macedonia's membership of international organisations, as provided for in the above-mentioned Interim Accord of 1995, which is still in force; warns that unless agreement is reached quickly between the two states, this could result in a long delay in the former Yugoslav Republic of Macedonia joining the EU; takes the view that such outstanding bilateral issues in the Balkans should not obstruct accession or take precedence over the process of European integration;"

So there are specific problems for the two candidates' countries in the region: for Croatia to open some of the chapters, for Macedonia to open negotiations as such. A mixture of internal deficiencies and unsolved bilateral issues block at the moment further progress. Some politicians ask that all bilateral issues are solved before

accession-negotiations start. But perhaps we should demand that at least a clear procedure for solving the bilateral issues must be accepted by both sides, before these negotiations for membership in the EU start.

For the moment we cannot see how opening of negotiations will proceed with the other countries on the Balkans. And of course irrespective of opening negotiations (Montenegro) or of applying for membership (Albania) there are many still bigger problems specifically with Bosnia and Herzegovina and with Kosovo and in consequence also with Serbia.

We need patience in the EU in order not to lose interest in the integration of that region. And of course we can not enforce the necessary reforms and changes in minds and attitude from the outside. But a discouragement by sending messages of disinterest or disengagement to the region is not only negative for the countries concerned but also for our interest in stability and development of our neighbouring region. Especially in the weeks before the election for the European Parliament populist slogans against the enlargement of the Balkan-countries should be avoided. The countries concerned need a clear but also clearly positive answer to their European aspiration.

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