

Ursel Schlichting

Preface

On a trip through the Western Balkans, the President of the European Commission, Jean-Claude Juncker, stated in an interview with *Deutsche Welle* in January 2018: “Not too long ago, the region saw a fierce war. If we take away the western Balkans’ accession perspective, that could soon repeat itself.”¹ In the same breath, he admitted: “Clearly, people in the EU are tired of enlargement.”² In the OSCE Yearbook 2015, Jenny Nordman already pointed out that many politicians and observers warned that “if the pace of EU integration is not increased, this may contribute to a revival of nationalist sentiments in the region, radicalization and, consequently, the resurfacing of ethnic conflicts”.³ The impression that people in South-Eastern Europe are disappointed, that they increasingly feel abandoned and neglected is also confirmed by talks with representatives of the Western Balkan countries in the OSCE. What would be the consequences of such neglect? How great is the danger of a renewed flare-up of bloody wars and conflicts in the Balkans? How seriously should the warnings of security risks resulting from a slowdown in the EU integration process be taken? Are references to a link between the EU’s “enlargement fatigue” and the increase in ethnic tensions in some Western Balkan countries correct? These questions, which must be taken seriously for the stability not only of the region, but also for security and co-operation in Europe as a whole, have led us to make the Western Balkans – and thus also the state of EU integration of the countries in the region – the thematic focus of the OSCE Yearbook 2018.⁴

A brief review: After the end of the Cold War, the disintegration of the multi-ethnic state of Yugoslavia took its course with the aspirations of the constituent republics or certain provinces and regions for independence. The 1990s in the successor states of Yugoslavia were shaped by a series of serious armed conflicts – the ten-day war in Slovenia (1991), the wars in Croatia (1991-1995) and Bosnia and Herzegovina (1992-1995), the Kosovo War (1998-1999), and the uprising of Albanian separatists in Macedonia (2001) – all of which involved wars of independence, ethnic conflicts, and insurgencies to varying extents,

1 EU expansion: Juncker stresses real progress on western Balkans trip, Interview by Lars Scholtyssek with Jean-Claude Juncker, 28 February 2018, *DW*, at: <https://www.dw.com/en/eu-expansion-juncker-stresses-real-progress-on-western-balkans-trip/a-42776178>.

2 Ibid.

3 Jenny Nordman, Nationalism, EU Integration, and Stability in the Western Balkans, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2015*, Baden-Baden 2016, pp. 151-163, here: p. 154.

4 Countries belonging to the “Western Balkans” include Albania and the successor states to Yugoslavia, excluding those that have already joined the European Union, i.e. Slovenia and Croatia. Cf., for example, Federal Ministry of Education and Research/International Bureau, at: https://www.internationales-buero.de/en/western_balkan_countries.php.

and were often accompanied by brutal “ethnic cleansing”. As the last former constituent republic, Montenegro declared independence in 2006 and left the State Union of Serbia and Montenegro (1992-2003: Federal Republic of Yugoslavia) peacefully. Yugoslavia has finally disintegrated into the now internationally recognized states of (from north to south) Slovenia, Croatia, Serbia, Bosnia and Herzegovina, Montenegro, and Macedonia; the status of Kosovo under international law is still controversial. Sustainable peace, however, did not materialize; (inter-ethnic) tensions continued with varying intensity or threatened to erupt again.

OSCE field missions were established in all the successor states of Yugoslavia (with the exception of Slovenia) and Kosovo in the 1990s:⁵ in 1992, the CSCE/OSCE Spillover Monitor Mission to Skopje (renamed Mission to Skopje in 2010), whose initial task was to prevent the war in Bosnia and Herzegovina from spreading to Macedonia; in 1994, the OSCE Mission to Bosnia and Herzegovina; in 1996, the OSCE Mission to Croatia (replaced in 2007 by the OSCE Office in Zagreb, which closed in December 2011); the OSCE Presence in Albania in 1997; in July 1999, the OSCE Mission in Kosovo (OMIK), which formed a distinct component within the UN Interim Administration Mission in Kosovo (UNMIK) and was to support the implementation of UN Security Council Resolution (UNSCR) 1244, the adoption of which had ended the Kosovo War; and finally, in 2001, the OSCE Mission to the Federal Republic of Yugoslavia (since 2003, Mission to Serbia and Montenegro, renamed the OSCE Mission to Serbia in 2006, with unchanged mandate; the OSCE Mission to Montenegro was re-established at the same time).

The Western Balkans (including Croatia at that time) thus represented one of the geographical focuses of OSCE field operations, the OSCE’s most important post-conflict peace-building instruments, into which a large part of the Organization’s resources flowed. The main focus of the Missions’ mandates initially was on democratization, including building democratic institutions and monitoring of their functioning; the protection of human rights, including the rights of persons belonging to national minorities; the return of refugees and internally displaced persons, including related property questions; and the organization and monitoring of elections. At the same time, however, many political actors both in Western Europe and in the countries concerned only expected a real stabilization of the Central and Eastern European (CEE) states and a lasting peace to be achieved by integrating into the European Union as quickly as possible. At a summit meeting of the EU and the Western Balkan states in Thessaloniki in June 2003, the EU formally opened the prospect of accession to the EU to the latter: The Heads of State or Government of the member states of the EU, the acceding and candidate states, and the potential candidates Albania, Bosnia and Herzegovina, Croatia, the

5 Cf. OSCE, The Secretariat, Conflict Prevention Centre, Survey of OSCE Field Operations, SEC.GAL/110/18, 25 June 2018 (excluding predecessor missions such as fact-finding and rapporteur missions).

former Yugoslav Republic of Macedonia, and Serbia and Montenegro agreed that: “The EU reiterates its unequivocal support to the European perspective of the Western Balkan countries. The future of the Balkans is within the European Union. The ongoing enlargement and the signing of the Treaty of Athens in April 2003 inspire and encourage the countries of the Western Balkans to follow the same successful path. Preparation for integration into European structures and ultimate membership into the European Union, through adoption of European standards, is now the big challenge ahead. [...] The speed of movement ahead lies in the hands of the countries of the region.”⁶ The EU had thus assumed the leading role in the stabilization efforts for the Western Balkans region and, in the long-term, was working towards integrating these countries into the Union or at least enabling them to co-operate closely. The Stabilisation and Association Agreements (SAAs), negotiated or even implemented by all countries in the region, addressed a much broader range of issues than the OSCE could ever cover. This left the OSCE with only a supporting role in the Western Balkans.⁷

However, the OSCE Missions and the EU worked hand in hand in this process. One example is Croatia, which signed the SAA with the EU on 29 October 2001, applied for membership on 21 February 2003, and was recognized as a candidate country by the European Council in June 2004. Put simply and to summarize, one could say that the OSCE Mission “called the shots”, the EU translated the given agenda into accession conditions and provided the incentives, in short: The Mission did the groundwork, the EU ensured the results.⁸ The OSCE prioritized formulating reform goals related to democracy and the rule of law as well as to human rights and the rights of persons belonging to national minorities. These goals ultimately found their way into the SAA and dominated the EU Commission’s discussions as it prepared to draw up its recommendation for the opening of accession negotiations. The prospect of EU accession, in turn, had a highly favourable effect on the Mission’s work

6 European Commission, Press Release, EU-Western Balkans Summit, Thessaloniki, 21 June 2003, at: http://europa.eu/rapid/press-release_PRES-03-163_en.htm. The Treaty of Athens mentioned in the text is the Treaty of Accession to the EU signed on 16 April 2003 between the EU and the ten countries Estonia, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, the Czech Republic, Hungary, and the Republic of Cyprus. Slovenia’s accession was sealed with this treaty.

7 Cf. Wolfgang Zellner, *Asymmetrical Security in Europe and the Tasks of the OSCE*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 61-73, here: p. 67.

8 Cf. Solveig Richter, *The OSCE Mission to Croatia – Springboard to Europe*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2004*, Baden-Baden 2005, pp. 93-106, here pp. 98-103. This form of co-operation between the OSCE and the EU had already proved its worth in the early 1990s. For example, the HCNM and the OSCE Missions to Estonia and Latvia worked closely together to reduce tensions between ethnic Estonians and Latvians and the large Russian-speaking minorities. The success of their efforts, however, was largely due to the fact that the Missions and the HCNM were supported by the European Commission and both states were motivated to meet the 1993 Copenhagen criteria for accession to the EU, including respect for and protection of minorities. Cf. Zellner, cited above (Note 7), pp. 66-67.

and proved to be the most powerful incentive for conflict resolution and reform in Croatia; without it, the available diplomatic and security-policy instruments would most likely have remained ineffective.⁹

Nevertheless, Croatia had to wait ten years, until July 2013, before it became a member of the EU as the second successor state of Yugoslavia after Slovenia. Following years of optimism, the integration process has now stalled; the situation 15 years after the “Thessaloniki promise” is sobering. Of the six Western Balkan aspirants for EU membership, four have “candidate country” status: Macedonia (since 2005; application for EU membership: 2004), Montenegro (since 2010; application for EU membership: 2008), Serbia (since 2012; application for EU membership: 2012), and Albania (since 2014; application for EU membership: 2009). However, accession negotiations have so far only begun with two of them: Montenegro (2012) and Serbia (2013). Bosnia and Herzegovina (application for EU membership: 2016) and Kosovo (the only candidate not to have applied for membership yet) are so far only “potential accession candidates” (Bosnia and Herzegovina since 2003, Kosovo since 2008).¹⁰

On 15 July 2014, Jean-Claude Juncker finally declared categorically: “In the next five years, no new members will be joining us in the European Union. As things now stand, it is inconceivable that any of the candidate countries with whom we are now negotiating will be able to meet all the membership criteria down to every detail by 2019.”¹¹

The candidate countries interpreted this declaration as an expression of the EU’s “enlargement fatigue” and reacted with disappointment. At the same time, the pace of reforms slowed and existing external and internal problems worsened, with resurging bilateral disputes, persistent interethnic tensions, domestic political crises, delays and setbacks in the consolidation of the rule of law, unabated corruption and organized crime, and increasing autocratic tendencies – all worrying developments and conflicts with considerable potential for escalation. In addition, new challenges arose in 2015 with the Western Balkans becoming a major transit route for refugees and migrants on their way to other European countries.

These not entirely expected developments not only represent a step backwards for South-Eastern Europe itself, but could also have destabilizing effects

9 Cf. Richter, cited above (Note 8), pp. 93 and 100.

10 Cf. European Commission, European Neighbourhood Policy and Enlargement Negotiations, Current Status, at: https://ec.europa.eu/neighbourhood-enlargement/countries/check-current-status_en. Since the Feira European Council (June 2000), all the countries of the Western Balkans at that time have been considered potential candidates; cf. Santa Maria da Feira European Council, 19 and 20 June 2000, Conclusions of the Presidency, at: http://www.europarl.europa.eu/summits/fei1_en.htm. Kosovo was granted status as a potential candidate for accession in 2008; cf. European Union, EU Enlargement – State of play, Kosovo, at: https://europa.eu/newsroom/highlights/special-coverage/enlargement_en.

11 European Commission, Jean-Claude Juncker, Candidate for President of the European Commission, A new start for Europe, Opening statement in the European Parliament plenary session, Strasbourg, 15 July 2014, at: http://europa.eu/rapid/press-release_SPEECH-14-567_en.htm.

on other regions of Europe. In view of this, Commission President Juncker, in his speech on the state of the Union in 2017, commented once again on the question of accession and stated: “*If we want more stability in our neighborhood, then we must also maintain a credible enlargement perspective for the Western Balkans.*”¹² He reaffirmed that there would be no further EU enlargement during his term of office, but he promised an increase in the number of members for the “following years” – a promise that, on closer inspection, does not represent a decisive change in position compared to 2014, nor is it necessarily likely to dispel doubts and raise hopes in the Western Balkan countries.¹³

What are the realistic chances for the Western Balkan states to join the EU? What obstacles need to be overcome? What measures could speed up the process? Given the many unresolved problems, is rapid accession desirable, at all? These and many other questions are answered by the authors of this year’s thematic focus.

To start with, for Albania, with whom accession negotiations could begin in 2019, “EU accession means a higher standard of living, credible prospects for a better future, functioning democratic institutions, a reliable rule of law, and guaranteed economic and personal freedoms”. This in turn exerts strong pressure for reform on Albanian politicians, as Julia Wanning and Knut Fleckenstein note in their contribution, at the end of which the question arises as to whether the new generation of Albanian political class will manage to “convince both its own population and its European partners, especially the EU member state governments, that the reforms it has begun and announced will genuinely transform Albania into a modern European state”. In his multi-faceted contribution on Serbia, which, due to its size and status, is critical for the successful transformation of the whole region into a place of stability, Axel Jaenicke analyses Serbia’s relationships with neighbouring EU member states as well as with Albania and the former Yugoslav republics, among others those with Croatia and Bosnia and Herzegovina, which still are highly strained. The author also discusses domestic developments and the problem of increasing autocratic tendencies within the country as well as possible solutions to the Kosovo question, which, for Belgrade, Brussels, and Washington, remains a key problem of the Western Balkans. He concludes that, in view of the problems the countries in the Western Balkans are facing, one can indeed ask the question “whether the EU actually has to offer Serbia and the other states in the Western Balkans full membership immediately”, or whether it would be

12 European Commission, President Jean-Claude Juncker’s State of the Union Address 2017, Brussels, 13 September 2017, at: http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm (emphasis in the original).

13 In his speech from 15 July 2014, Juncker had already added: “However, the negotiations will be continued and other European nations and European countries need a *credible and honest European perspective*. This applies especially to the Western Balkans.” European Commission, Jean-Claude Juncker, A new start for Europe, cited above (Note 11) (emphasis by the author).

advisable to first offer a kind of common privileged partnership. In her contribution “A Diplomatic Fairytale or Geopolitics as Usual”, Biljana Vankovska conducts a courageous critical analysis, *inter alia* from the perspective of international law, of the highly controversial Prespa Agreement of June 2018, in which Athens and Skopje agreed on the future state name “Republic of Northern Macedonia” for the former constituent republic of Yugoslavia. Since its declaration of independence in 2008, Kosovo has been recognized as a sovereign state by a majority of UN member states – five EU members are not among them: Spain, Greece, Cyprus, Romania, and Slovakia. In her contribution, Engjellushe Morina not only examines the consequences of the contested statehood of Kosovo, but also places the dialogue between Belgrade and Pristina at the centre of her considerations. Croatia has been a member of the EU since 2013 and thus, like Slovenia, no longer belongs to the “Western Balkan states”. However, it shares a long history with the other successor states of the former Yugoslavia. Goran Bandov and Domagoj Hajduković describe the reintegration of the de facto Republic of Serbian Krajina after the war in Croatia and in particular deal with the role of the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium, UNTAES.

The complex of topics on the integration of the Western Balkan states into the EU is rounded off by Natasha Wunsch’s highly noteworthy contribution on the EU’s engagement in the Western Balkans, in which she concludes that 2018 represents a missed opportunity to critically reflect on the failure of the EU’s approach to the Western Balkans to date and to develop a more comprehensive and locally anchored enlargement strategy for the region.

Beyond the thematic focus of this volume, renowned international authors from academia and practice deal with current issues, background information, and innovative ideas for resolving conflicts and problems, or present selected areas of the OSCE, its main fields of work, and current projects.

The Yearbook 2018 starts with four contributions on current developments in European security in the shadow of the crisis in and around Ukraine. First, Christian Nünlist discusses the “radically divergent historical narratives regarding the evolution of European security” that have emerged since the end of the Cold War and could in part explain the extremely strained relations between Russia and the West today. P. Terrence Hopmann’s contribution, simply titled “Trump, Putin, and the OSCE”, reflects the author’s personal analysis of how the relationship between the powerful leaders of Russia and the US impact the OSCE and multilateral institutions in general. Wolfgang Zellner presents his ideas for a potential long-term and fundamental OSCE reform, suggesting, among other things, a revival of the OSCE’s politico-military dimension of security and pointing to the current “Structured Dialogue”, which covers topics such as threat perceptions, military doctrines, challenges to a norms-based European security order, and the existing military power relations. Finally,

Florian Raunig, head of the task force of the 2017 Austrian OSCE Chairmanship, and Julie Peer, senior adviser in the task force, take a look back at the challenges, priorities, experiences, and lessons learned from the 2017 Austrian OSCE Chairmanship.

In the section on conflict prevention and dispute settlement, Lukasz Mackiewicz describes the work of the Human Dimension Unit of the Special Monitoring Mission (SMM) to Ukraine. Serious violations of human rights and international humanitarian law still affect the people in the areas concerned. While emphasizing important achievements, the author also frankly discusses the problems and obstacles that have so far prevented the Unit from reaching its full potential. Former Head of the OSCE Mission to Moldova, William H. Hill, looks at efforts to advance the Transdnistria conflict settlement process and especially welcomes the fact that, despite the ongoing conflict in Ukraine, the US, the EU, Russia, Ukraine, and the OSCE have been able to co-operate harmoniously and effectively in the 5+2 negotiation format.

Further contributions in this section deal with innovative ways to prevent and peacefully resolve or mitigate violent conflicts by mediation and negotiation: While international or track-I mediation requires outsider-neutral mediators who have an emotional distance to a given conflict, in many conflict contexts, local people would rather confide in local actors who, to some extent, are part of the conflict, whose lives are directly affected by the conflict, and who therefore have a stake in it. In their contribution, Mir Mubashir, Engjellushe Morina, and Luxshi Vimalarajah discuss reasons and opportunities for the OSCE to engage in “insider mediation” and also present OSCE projects encompassing elements of this kind of mediation efforts, such as the “Peace Messengers” project in Kyrgyzstan. Similarly, in his contribution, Kaan Sahin discusses the status-neutral approach as a new impetus to addressing protracted or frozen conflicts in which one side is an internationally recognized state that does not recognize the secessionist *de facto* regime on the other side, such as in the conflicts in Eastern Ukraine and Transdnistria. In such cases, for example, CSBMs could be negotiated and implemented before the status question is solved or even discussed.

Under the heading “Comprehensive Security: The Three Dimensions and Cross-Dimensional Challenges”, Claudio Formisano and Valiant Richey describe the work of the Office of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings against the backdrop of human trafficking that often overlaps with migration. According to the authors, nearly half of all documented trafficked persons are foreign migrants, predominantly ending up in situations of prostitution and forced labour, with women, children, and young adults being particularly vulnerable. Also in the context of migration, Stefano Volpicelli explores a successful model for the integration of refugees in Italy: In the Italian town of Trieste, a local NGO developed and has been implementing a model for hosting and, in particular, integrating refugees, which is based on decentralized accommodation instead of overcrowded

refugee camps and has significantly influenced the Italian system for the protection of asylum seekers and refugees. Subsequently, Arne C. Seifert, who has been a renowned Central Asia expert virtually for decades, examines the context-specific approaches required in the civil prevention of religious radicalization and violent extremism in the region. A further contribution by Thorsten Stodiek looks at community policing as a key element in combating crime, with a special focus on introducing the community policing approach to the fight against organized crime, as well as – most recently – to countering violent extremism and radicalization that lead to terrorism.

Finally, in the section on the organizational aspects relating to the OSCE, Juraj Nosal discusses ways in which the OSCE can build the capacities of state or non-state actors to counter transnational threats and challenges, exemplified by means of an extra-budgetary project on “Capacity building for criminal justice practitioners combating cybercrime and cyber-enabled crime in South-Eastern Europe”.

We are especially grateful to the OSCE Chairperson-in-Office in 2018, Italian Minister of Foreign Affairs, Enzo Moavero Milanesi, for contributing this year’s foreword.

Finally, we would like to thank all our authors for their enthusiasm, their commitment, and their enlightening contributions.