



Politeia : Jurnal Pemikiran Politik Islam

ISSN : 2621-0312

e-ISSN : 2657-1560

Vol. 3 No. 2 Tahun 2020

Doi : 10.21043/politea.v3i2.8875

<http://journal.iainkudus.ac.id/index.php/politea>

The Obstacles of Serbia in Obtaining the European Union Membership Status

Firmansyah, Ali Muhammad

University of Muhammadiyah Yogyakarta

Email 1, email 2, dst

Abstract

The Obstacles of Serbia in obtaining the European Union Membership Status. The European Union (EU) is an intergovernmental and supranational organization enlarging its membership since its formation. Due to the benefits, neighboring European countries are volunteering to join the EU. One of the EU candidate member countries is Serbia. In the process of gaining the status of EU candidate country, Serbia has faced many challenges and yet to fulfill the Copenhagen criteria as the conditions of membership by transforming and strengthening democracy. In the economic field, it is struggling to develop free markets and the rule of law. Serbia has collaborated with the International Criminal Tribunal for the Former Yugoslavia (ICTY) to process the war criminals in the past. Serbia succeeded in obtaining the status of candidate membership of the EU on March 1, 2012, which then became its new chapter.

Keywords: European Union, Serbia, expanding membership, candidate membership status, the Copenhagen criteria

Introduction

This article discusses the efforts and obstacles of Serbia to be a member of the European Union (EU). The Republic of Serbia is located at the junction of Central and Southeast Europe, including the southern part of the Pannonian Plain and the central Balkans. Hungary borders Serbia to the north, Romania, and Bulgaria to the east, Macedonia to the south, Croatia, Bosnia, and Herzegovina, Montenegro to the southwest. Serbia became one of the candidates for the EU membership after the official announcement of the EU in 2003, where the Balkan countries were candidate countries that had the potential to enter the EU membership.

Serbia has reasons why it is highly interested in becoming a member of the EU. In the economic field, the interests can be fulfilled through an increase in export volume or expansion of trade and the flow of foreign investment into Serbia. It is also expected to encourage Serbian economic growth in general. Moreover, in the political field, one of the interests that can be fulfilled is that Serbia's membership in the EU can strengthen the democratic consolidation process, domestic political stability, and its international position.

Since December 22, 2009, Serbia's efforts to integrate with the EU have entered into a process where it has applied for the EU membership. However, its struggle to obtain the status is not accessible due to several problems in its domestic territory. One obstacle is politics, regarding Kosovo's sovereignty, where several members of the EU, such as Spain, Greece, Cyprus, Slovakia, and Romania refused to recognize Kosovo as a sovereign state. Furthermore, there are still problems regarding human rights on war crimes that occurred in the past by Ratko Mladic. It caused Britain and the Netherlands to firmly refuse to ratify the association and stabilization agreement with Serbia, as long as the former Bosnian general, Ratko Mladic, has not been sent to the international war crimes court in The Hague.

In obtaining the EU membership status, Serbia entered into several agreements and negotiations with the EU. The European Union Council opened the process and launched a negotiation process for the Stabilization and Association Agreements (SAA) for Serbia from October 2004 to October 2005. However, a year later, on May 3, 2006, the agreement negotiation was canceled since there was no progress on the cooperation between Serbia and ICTY. In the agreement, Serbia cooperated with ICTY to arrest war criminals. Serbia had made several changes. In 2007, it reaffirmed its collaboration with ICTY, causing the SAA negotiations to be held again. A year later, on April 29, 2008, the SAA, the Provisional Trade Agreement and related issues between Serbia and the EU were signed in Luxembourg (Ciptowiyono, 2013).

Then on December 22, 2009, Serbia officially applied for EU membership, although it raised concerns about the spread of the financial crisis due to the unstable Serbian economy at the time. On June 14, 2010, the European Union Council for foreign affairs decided to begin the ratification process for the SAA with Serbia (Ciptowiyono, 2013). The European Parliament ratified the SAA with Serbia on January 19, 2011. The ratification process of the SAA in the EU Member States was completed on June 18, 2013. The SAA established rules for a comprehensive partnership between Serbia and the EU, which would encourage free trade between the two sides ("Uni Eropa dan Serbia: Peningkatan Aturan Kerjasama Berlaku," 2013), political dialogue, justice, home affairs, innovation, research, electronic communication, media, social policy, transportation, environment and energy, and regional development.

After negotiating, on June 28, 2013, the European Union Council decided to open negotiations on accession with Serbia. On September 1, 2013, the SAA between the Republic of Serbia and the EU came into force. At the end of 2013, precisely on December 20, 2013, the European Union Council finally decided that negotiations on accession with Serbia were opened. On March 1-2,

2012, the European Union Council agreed to provide Serbia the candidate status for EU membership at a meeting of European leaders in Brussels, Belgium (Ananda, 2012).

Serbia has obstacles to resolve immediately to obtain full membership status in the EU. Some of the obstacles causing Serbia has not yet accepted as a member of the EU (Ciptowiyono, 2013) are first, the unstable Serbian economy due to the global financial crisis occurring in 2008, which has an impact on increasing unemployment and stagnant state income. Second, the bad image of Serbia in the eyes of the EU and international member countries due to war crimes committed in the past. The Dutch refused to ratify the SAA with Serbia, as long as the former Bosnian general, Ratko Mladic has not been sent to the international war crimes court in The Hague (Schmidt & Rinaldi, 2009). Mladic himself is responsible for the 1995 massacre in Srebrenica.

Third, the status of Serbia is still facing demands of the International Court of Justice concerning war crimes in the past, where it has not found the perpetrators of war crimes. Fourth, the issue of Kosovo's sovereignty, in which Serbia and other EU members such as Spain, Greece, Cyprus, Slovakia, and Romania rejected the claim because they considered that the proclamation of independence of the young state of Kosovo was an illegal act of separation. In contrast, the other 22 EU members recognized Kosovo as a sovereign state. Fifth, Britain and the Netherlands expressly refused to ratify the SAA and the Serbian association with the EU. They postponed ratifying the agreement until Serbia caught the war crimes suspect in the 1990s in the Balkan War ("Dutch MPs Refuse to Ratify Serbia's SAA," 2011).

Despite having several obstacles in its efforts to join the EU, various attempts have been carried out by the Serbian government to gain support from all EU member states. It has worked hard to overcome these obstacles. Moreover, Serbia also sought to restore its image to gain the trust of EU member states. All of these attempts are intended to expedite the application process of the EU membership.

Discussion

Various Challenge

One of the requirements Serbia must fulfill in its efforts to obtain membership status in the EU is reforming the conditions in its own country. The improvement of conditions in this country covers politics, economics, and law fields. These three fields have become a barrier for Serbia in gaining membership status in the EU.

Strengthening Democracy

Serbia is a parliamentary republic, with the government divided into legislative, executive, and judicial branches. The President of the Serbian Republic (Predsednik Republike) is the head of state, elected by the ballot for a five-year term and limited by the Constitution to a maximum of two

conditions. In addition to being the commander of the armed forces, the president has procedural duties to appoint the prime minister with parliamentary approval and has several influences on foreign policy. The political transformation carried out by Serbia is strengthening its democracy.

Democratic governance requires all citizens to participate, on an equal basis, in making political decisions at every level of government, from the local municipality to the national level. Moreover, it is also necessary to hold free elections with secret ballot boxes, the right to establish political parties without interference from the state, free and fair press access, free trade union organizations, freedom of opinion, and executive power restricted by law and allow free access to judges who are not from the executive class.

Since 2000, the political transition has moved Serbia firmly toward real democracy (Begović, 2013). Valuable lessons have also emerged from the Serbian experience in reforming the political field. It can be seen from the attitude of Serbia in taking advantage of opportunities and then concentrating political energy to maintain the momentum of the transition. Serbia's first political transition focused on hot constitutional issues such as relations between Serbia and Montenegro.

Serbia's path to democracy is more complicated than other Yugoslav states due to Milosevic's old rules. The Serbian Parliament must develop a mechanism for public debate and community initiatives to obtain better decisions. The development of a democratic mechanism must be carried out since, previously in Serbia, both responsible government, checks and balances, the rule of law, and free speech are mostly absent from political practices in the region. Nepotism, administrative inefficiencies, public spending, and corruption have become the norm and hinder the democratic process. Public resources are controlled by political party elites, influencing the power of the media, the judiciary, and the police. Political parties in the successor countries themselves are not democratic. Although the communist government ended, the worship of a political leader with unlimited power remained, as happened with Aleksandar Vucic in Serbia.

At present, all political parties in the Serbian parliament today are 'pro-European'. Most of them adopt laws in the process of harmonizing with the EU swiftly. Many directives are introduced into law with urgent procedures, without public debate or critical attitude toward them. Serbia's new political power must develop their local political, economic, and social agenda that will articulate the interests of citizens, not the political elite and large companies. Moreover, Serbia also strengthens its legitimacy in carrying out diplomatic activities with other countries. Even Serbia will find it easier to establish diplomacy to collaborate with countries outside Europe if it becomes a member of the EU due to the EU tremendous political legitimacy in the eyes of the international world.

Economic Reform

Economic reform becomes necessary for a country to join the EU. It has been carried out to align the Serbian economy with a strong EU market economy. The economy becomes a significant source of income for the progress of a country. Economic development is the long-term increase of a country to provide many economic goods required according to the number of occupations

(“Pertumbuhan dan Perkembangan Ekonomi,” 2016). The ability of a country to develop this economy is usually seen from the progress of the technology sector or the institution adjustment and the country’s ideology.

The Serbian economic system in 2000 was a kind of hybrid regime combining socialism that had collapsed in the early 1990s with elements of a market economy (Begović, 2013). In this economic system, private ownership and entrepreneurship are legal, but private property rights are weak. The current market mechanism in Serbia operates in the capital and labor markets. However, arbitrary government intervention undermines market mechanisms. Transparency and predictability do not exist in market regulation. The only existing thing in the market mechanism is the protection of incumbent domestic companies and barriers to free trade (tariff and non-tariff barriers, subsidies, and soft budget constraints), which generates substantial monopoly profits.

The political changes in October 2000 opened the door for the Serbian economic transition focusing on restructuring the economy. The most crucial structural step is privatization. The move was introduced in June 2001, nine months after entering a transition period (Begović, 2013). Being a country too late to transition is a boon for Serbia as its privatization began about ten years after the first wave of privatization in Central and Eastern Europe. Thereby, Serbia can also learn the mistakes made in these countries. Thus, Serbia started with a rather strong privatization model based on selling the company to the highest bidder.

In 2008, Serbia faced several economic challenges, some of which were driven by external factors (such as global financial turmoil and the Eurozone crisis). Still, some others were caused by internal factors (macroeconomic instability, incomplete economic transition, and flooding) (“Pertumbuhan dan Perkembangan Ekonomi,” 2016). The impact of the financial crisis caused a decline in the life quality of the Serbian people in general. The increasingly limited capacity of the country’s finances has prompted the government to implement budget efficiency policies in various sectors, including salary and pension cuts (“Background Negara Serbia dan Hubungan-Bilateral,” 2017). Until 2008, the Serbian economic growth model was driven by imports and consumption, financed by privatization and loan income. It caused Serbia to experience large macroeconomic imbalances, including fiscal deficits and current accounts, high unemployment, and volatile inflation.

Serbia has a strategic position in the European region and great potential in the economy, especially the agricultural sector. The agricultural industry is a leading Serbian sector supported by supporting land and weather factors, advanced research and development facilities, and an international reputation. Serbia’s skilled and relatively inexpensive HR skills for the EU region make it an attractive place for the development of business cooperation or trade and investment. Despite being at a crossroads between East and West, Serbia is committed to creating a social and economic system based on Western standards. Furthermore, Serbia will also improve economic relations with Eastern Serbian partners, both in investment and trade. It is conducted to assist Serbia to compete with EU members in the European free market.

In terms of the economic transformation carried out by Serbia since the interim trade agreement, international trade occupies an essential position in the Serbian economy. Various free trade agreements that Serbia has with neighboring countries are included in the framework, such as CEFTA, EFTA, EU, Russia, Turkey, Kazakhstan, Belarus, and the US. Serbia also has other trade networks in various countries. Moreover, its primary capitals, such as human resources, policies, and geographical position, are historically the center of activity in the region, placing Serbia in a strategic position to be developed as a product, commodity, and tourism destination.

Although Serbia is open to conducting trade cooperation with its partners throughout the world, its foreign economic policy priorities are directed at several key partners, namely the EU, Russia, China, and ex-Yugoslavia. Serbia does so, considering that one of the conditions for becoming an EU member is that its economy can compete in the free market of the EU. The European region remains an export market, import suppliers, and a favorite investment source for Serbian businesses. On average, around 87.5% of Serbian exports and imports are carried out annually with countries in the European region, both bilaterally and within the framework of regional economic cooperation (“Background Negara Serbia dan Hubungan-Bilateral,” 2017).

The Rule of Law

Law is a system to limit human behavior to be controlled. It is also the most crucial aspect in the implementation of a series of institutional powers, and it must ensure legal certainty in the sphere of society. Therefore, every community has the right to obtain a defense before the law. Hence, the law can be interpreted as a written or unwritten provision governing people’s lives and providing sanctions for violators. The purpose of this law has universal characteristics such as order, peace, prosperity, and happiness in the governance of social life. Thus, the existence of the law is intended to resolve each case through a court process with a judge based on applicable legal provisions. The law itself aims to maintain and prevent each individual from becoming a judge on his basis.

Changes in the field of law are one of the conditions proposed by the EU to obtain its membership status, carried out by Serbia through collaboration with the International Criminal Tribunal for the former Yugoslavia (ICTY). ICTY is a United Nations (UN) body established to judge war criminals in Yugoslavia. This tribunal functions as an independent ad-hoc court. This body was established by resolution 827 of the UN Security Council on May 25, 1993.

One war crime dealing with ICTY is the Bosnian War (1991-1995). It occurred due to the decision of Croatia and Slovenia to separate from the Federation of Yugoslavia. It also angered Serbia because its plan to establish a Greater Serbia state would fail if the Yugoslavian states broke away. Serbia also took action by carrying out attacks on Slovenia and Croatia to take back the independent territory into ethnic Serbs territory.

The Bosnian conflict itself is a conflict between ethnic Serbs and ethnic Bosnians, which are the native Bosnians wanting full independence for the Bosnian state following a referendum that has

been carried out by Bosnian people. While ethnic Serbs strongly opposed the decision. Ethnic Serbs and Bosnians themselves do have many differences, especially about beliefs. This conflict became even more significant, considering that there were efforts from ethnic Serbs supported by the army and its president to carry out ethnic cleansing of Bosnians.

Serbia also bombarded the capital of Bosnia, Sarajevo, and other cities. Even Bosnian guerrillas were arrested and tortured in concentration camps, and tens of thousands of Bosnian young women and girls were raped. The data show that the casualties of the Muslims throughout this war reached 200,000 people killed (Ridho, 2010). Until early 1993, the conflict between Serbia and Bosnia had not subsided even though UN peacekeeping forces of the US, British, and French troops had carried out peacekeeping operations.

In completing this Bosnian War, many international communities helped to end the conflict in Bosnia. These include the dispatch of peacekeeping forces conducted by the UN, NATO, and negotiation efforts initiated by the EU and the US. The UN in 1992 formed the United Nations Protection Force (UNPROFOR), a peacekeeping force assigned to maintain peace in Yugoslavia, including Bosnia. These peace forces consist of the US, Germany, the UK, France, and Indonesia, which are members of this UNPROFOR. In November 1995, Serbia and Bosnia negotiated and entered into an agreement in Dayton in the US (Ridho, 2010). The Dayton Agreement is an agreement to stop the war in Bosnia that has been going on for three years. This agreement was agreed at the Wright-Patterson Air Base in Dayton, Ohio.

The UN established the Bosnian War as the ethnic cleansing of Bosnians carried out by ethnic Serbs. The UN also decided to take the case to the ICTY. Then, this ICTY set several names as perpetrators of war crimes in Bosnia concerning ethnic cleansing. Among them were Slobodan Milosevic as president of Serbia, General Radovan Karadzic, and General Ratko Mladic. In 2001, Slobodan Milosevic was arrested by the Serbian government on various charges (“Penjahat perang’ Bosnia, Jenderal Mladic, ditangkap,” 2011). Milosevic was transferred to the Netherlands to receive a verdict of war crimes committed in the past. He was finally named a suspect and was given a prison sentence. He eventually died in custody while the sentencing process was still ongoing. The Serbian government and ICTY managed to recapture the war criminals. After 13 years of being a fugitive world, former president of the Republic of Srpska, Radovan Karadzic, was arrested on July 21, 2008. In the UN Court, Karadzic pleaded guilty and masterminded the cruelty of Serb forces during the Bosnian War in 1992-1995, which killed 100 thousand people (Berlianto, 2016).

Three years later, the former Federal Army Commander General Ratko Mladic was captured by the Serbian security services in Lazarev, near Zrenjanin in the Banat region, Vojvodina Province on May 26, 2011 (“Bab Iv Dampak Perang Bosnia,” 2017). Ratko Mladic was the commander of the Bosnian Serb forces during the civil war in Bosnia-Herzegovina last year 1992 to 1995 and, at the same time, one of the most responsible for the worst crime in Europe since World War II. The arrest is essential for the image of Serbia, both in the Balkans and other European regions. The EU made this arrest one of the conditions for Serbia’s entry as its member. Although Goran Hadzic is

not the most brutal killer in the Balkans, with his arrest, Serbia has fulfilled all international demands. With so much stronger Serbian hopes, that finally, the door to Europe will open.

Conclusion

Simpulan Serbia wants to become an EU member since its interests in economic and political fields can be fulfilled. On December 22, 2009, the Serbian efforts to integrate with the EU entered a process in which its government has applied for the EU membership. The Serbian government should carry out several reforms in the political, economic, and legal fields to overcome obstacles in obtaining membership status in the EU.

In the changing political sphere, Serbia is strengthening its democracy, and thus, its people can freely choose their leaders. Moreover, Serbia also strengthens its legitimacy in carrying out diplomatic activities with other countries. It will find it more accessible for Serbia to establish diplomacy to collaborate with countries outside Europe if it becomes a member of the EU due to the EU tremendous political legitimacy in the eyes of the international world.

Whereas in the economic field, Serbia increases its human resources and utilizes its resources. Serbia itself is a country with a middle-upper income economy and has made the most significant progress in the region. Structural economic reforms that Serbia is undertaking will be vital in opening opportunities to be a member of the EU. Furthermore, it will also improve economic relations with Eastern Serbian partners, both in terms of investment and trade. It also entered into free trade agreements with surrounding countries, including in the framework such as CEFTA, EFTA, EU, Russia, Turkey, Kazakhstan, Belarus, and the US. It was performed to assist Serbia to compete with EU members in the European free market.

In the field of law, Serbia cooperates with the ICTY to capture war criminals, General Ratko Mladic. The lousy image that Serbia got from the war crimes became a time bomb for itself if it failed to capture the war criminals. However, the collaboration between Serbia and ICTY paid off, with Ratko Mladic being captured by the Serbian security agency in Lazarevo on May 26, 2011. The arrest is essential for Serbia's image because the EU made this arrest one of Serbia's entry conditions as its member. With the arrest of Ratko Mladic, Serbia has fulfilled all international demands. With so much stronger Serbian hopes, that finally, the door to Europe will open.

References

- Ananda, P. (2012). Serbia Jadi Kandidat Anggota Uni Eropa. Retrieved April 12, 2017, from <https://m.tempo.co/read/news/2012/02/29/117387068/serbia-jadi-kandidat-anggota-uni-eropa>
- Bab Iv Dampak Perang Bosnia. (2017). Retrieved from <http://eprints.uny.ac.id>
- Background Negara Serbia dan Hubungan-Bilateral. (2017). Retrieved April 18, 2017, from <https://www.kemlu.go.id/belgrade/Pages/Background-Negara-Serbia-dan-Hubungan->

Bilateral.aspx

- Begović, B. (2013). The Serbian Experience in Transition. Retrieved June 12, 2017, from <http://www.cipe.org/publications/detail/serbian-experience-transition>
- Berlianto. (2016). Bekas Presiden Serbia Dihukum 40 Tahun untuk Kasus Genosida. Retrieved from <https://international.sindonews.com/read/1095664/41/bekas-presiden-serbia-dihukum-40-tahun-untuk-kasus-genosida-1458835877>
- Ciptowiyono, I. (2013). Mengapa Serbia Masih Belum Diterima di Uni Eropa? Retrieved April 22, 2017, from http://www.kompasiana.com/isharyanto/mengapa-serbia-masih-belum-diterima-di-uni-eropa_552bcee96ea83465248b457f
- Dutch MPs Refuse to Ratify Serbia's SAA. (2011). Retrieved April 20, 2017, from <http://www.balkaninsight.com/en/article/dutch-postpone-ratification-of-serbia-saa>
- “Penjahat perang” Bosnia, Jenderal Mladic, ditangkap. (2011). Retrieved April 12, 2017, from http://www.bbc.com/indonesia/dunia/2011/05/110526_mladicarrest
- Pertumbuhan dan Perkembangan Ekonomi. (2016). Retrieved April 22, 2017, from <http://www.mybusiness.id/pertumbuhan-dan-perkembangan-ekonomi/>
- Ridho, N. (2010). Konflik antara Bosnia dan Serbia pada Tahun 1991. Retrieved from https://www.kompasiana.com/noorkholis_ridho/konflik-antara-bosnia-dan-serbia-pada-tahun-1991_550122fb813311fb16fa8372
- Schmidt, F., & Rinaldi, A. (2009). Serbia Melamar menjadi Anggota Uni Eropa. Retrieved April 18, 2017, from <http://www.dw.com/id/serbia-melamar-menjadi-anggota-uni-eropa/a-5050783>
- Uni Eropa dan Serbia: Peningkatan Aturan Kerjasama Berlaku. (2013). Retrieved April 22, 2017, from <https://id.eureporter.co/economy/2013/09/01/eu-and-serbia-enhanced-co-operation-rules-enter-into-force/>

This page is intentionally left blank