

## A passport to division

By Tobias Heider  
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### **If approved, the European Commission's new visa regime would deepen the ethnic divide in Bosnia.**

The European Commission today publicly presented plans recommending that Serbian, Montenegrin and Macedonian citizens be allowed to travel into the EU without visas from January 2010. Carriers of Bosnian, Albanian and Kosovar passports will, though, still have to buy visas.

The Commission's position on Albania is understandable: it has not transformed its system as much as Macedonia, Montenegro and Serbia have. So too is the reluctance about Kosovo, since not all 27 member states have recognised Kosovo as a state. But why should Bosnia and Herzegovina not benefit from visa liberalisation?

It is certainly not because Bosnians might migrate or seek asylum. Virtually no Bosnians now apply for asylum in the EU. By contrast, a sizable number of Serbs applied for asylum in the first half of 2009 (around 2.5% of total applications in Germany, for example).

But that is not the Commission's reasoning: its recommendation is based on Bosnia's failure to meet all "technical" requirements. This is a shallow argument.



The reality is that a decision to allow visa-free access is a fundamentally political act



For a visa-free regime system to operate, what matters most is the quality of travel documents. Bosnia introduced machine-readable passports some years ago, before its neighbours did. On 1 July, it began issuing biometric passports, a little after Serbia but before some EU countries. Nor has a lack of biometric passports stopped the EU granting Mexicans and Hondurans visa-free entry.

What of the other technical requirements? In relative terms, Bosnia appears unfairly treated. Serbia has not passed and implemented all these requirements, and experts agree that in legislative, administrative and technical terms the gap between Serbia and Bosnia is narrow.

Nor, in absolute terms, does an argument based on technical requirements have much justification. Before granting it visa-free status, the Commission wants Bosnia, among other things, to reform its legal-aid system, adopt money-laundering and anti-discrimination legislation and establish an anti-corruption body. These are worthy causes. They are certainly necessary for EU accession and, later, for membership of the 'passport-free' Schengen zone. But they have little or no direct connection to

the core issue of a visa-free regime: whether ordinary citizens of another country should be able to cross your border with a passport but without a visa.

The reality is that a decision to allow visa-free access is fundamentally a political act. Certainly, the political motivation in the case of Serbia is clear: before Serbia's parliamentary elections in May 2008, EU foreign ministers indicated that they would reward a pro-European vote with a visa-free regime.

That political rationale was sound. In Bosnia's case, though, the EU's politics is bad.

Firstly, the Commission's new visa regime will exacerbate the problems of ethnic separation in Bosnia. Virtually all of Bosnia's Croats have Croatian passports and can therefore already travel to the EU without visas. Since 2008, Serbia has been issuing Bosnia's Serbs with Serbian passports; many will now be able to move freely around the EU. That means that travel restrictions will overwhelmingly affect Bosniaks (mainly Muslim Bosnians), who make up a plurality of the Bosnian population. The EU's new policy will therefore exclude and discriminate against one part of Bosnia's population. Even worse, this discrimination will effectively be on ethnic grounds, playing into the hands of nationalists.

Secondly, it is unjust. The primary reasons why the EU's technical stipulations have not all been met as yet are delays and blockages to the passage of legislation by the Bosnian Serb leadership in the Serb-dominated Republika Srpska. But because Bosnian Serbs have – or can have – dual citizenship with Serbia, the Republika Srpska's leadership will not have to pay any political cost for its obstructionism.

Morally, the symbolism of the new visa regime could barely be worse: three days ago, thousands of people mourned the slaughter of 8,000 or more Bosniaks killed at Srebrenica.

This will worsen attitudes towards the EU. Many Bosniaks will see this as the EU repeating mistakes it made in the war – helping political extremists to legalise and institutionalise ethnic division in Bosnia. In spring 1992, a European Community peace conference led to José Cutileiro and Peter Carrington proposing constitutional reform in Bosnia based on three ethnic cantons, a move accepted but later rejected by Bosniaks, who wanted to preserve a unitary and multiethnic system. Later, that idea of a Union of three ethnic republics was taken up by the EU's representative, David Owen.

The West made those proposals under the pressure of war; there is not that pressure now. In the wake of the war, much of the EU's political and historical responsibility has been to lessen the ethnic divide. In this case, it is effectively increasing the divide, for reasons that are hard to justify. The effect will be to weaken its influence in Bosnia: its policy in Bosnia can only be effective if its carrots and sticks are credible. Technical issues do remain, but those can be dealt with separately, through, for instance, a monitoring mechanism such as that already used for Serbia and Montenegro.

Politically, the reasoning for the EU should have been simple: Bosnia does not warrant different treatment from its neighbours, and Bosniaks should not be treated differently from Bosnia's Croats and Serbs. The question now is whether EU foreign ministers will undo the damage done today by the Commission.

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