

EC's New Visa Regime Will Strengthen Ethnic Separation in Bosnia

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On Tuesday 14 July, Commissioners Rehn and Barrot will go public with recommendations for a new visa regime for some Western Balkans countries. Reports indicate a high probability that visa free travel will be introduced for Serbia, Montenegro and Macedonia by January 2010, but citizens of Bosnia and Herzegovina, Albania and Kosovo will remain barred from free travel to the EU. The Commission is responding to calls from EU Foreign Ministers on 15 June 2009 to amend the respective European regulation of 2001. Albania remains on another level of transformation compared to Macedonia, Montenegro and Serbia. As not all 27 Member States recognise the Republic of Kosovo there is not visa dialogue with the youngest European country. But why should Bosnia and Herzegovina not benefit from visa liberalisation? According to the Commission's draft recommendation, Bosnia does not meet all "technical" requirements. This argument is shallow.

Political Decision

The decision to allow visa free access is political. Furthermore, on technical grounds many of the required pieces of legislation that the EU requires have no direct connection to the question of the visa regime. The Commission's recommendation itself is politically motivated because the assessment of Serbia's readiness follows a foreign policy rationale. EU Foreign Affairs Ministers communicated to Serbia prior to the last Parliamentary elections in May 2008 that they will reward a pro-European vote with a visa free regime. This incentive was, for foreign policy reasons, the right thing to do. For Bosnia, the Commission argues that many technical requirements have not been met so far. Experts agree that in legislative, administrative and technical terms the gap between Serbia and Bosnia is rather narrow. The Commission requests Bosnia to reform the international legal aid system, adopt money laundering and anti-discrimination legislation and establish an anti-corruption body as well as many more worthy issues. Legislation meeting EU standards in these fields is certainly necessary for EU accession and later for becoming a member of the Schengen area. But there is no link to the

technical requirements needed for a visa free regime. Also Serbia has not passed and implemented all these requirements. The high number of asylum-seekers in the EU from Serbia shows for example that there are problems with discrimination. On the other hand there are virtually no asylum-seekers from Bosnia in the EU. For a visa free regime the quality of travel documents is relevant. Bosnia has introduced machine-readable passports some years ago, ahead of neighbouring countries. It has now, on 1st July 2009, started to



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introduce biometric passports. Serbia started a bit earlier with biometric passports. On the other hand, even Schengen countries like Germany have not been able to finalize the introduction of biometric passports. Other EU countries have none. But these citizens are allowed to enter Bosnia without visa. So, why not granting Bosnians the right to travel visa freely? The situation on the ground in Bosnia provides additional arguments to consider the Commission's recommendations out of sync with the political and historic responsibility of the EU. The effects of the Commission's new visa regime will contribute to further ethnic separation on a formal level. Bosniaks represent the majority of Bosnians and have, in contrast to Bosnian Serbs and Croats, no dual citizenship with Serbia and Croatia. Literally all Bosnian Croats have already the chance to travel without visa to the EU as they hold Croatian passports. Since 2008, Serbia is issuing passports to Serbs in Bosnia and Herzegovina. This means that the new EU visa policy will only, and formally, exclude and discriminate one part of Bosnia's population and even worse, this will happen on ethnic grounds, thus playing into the hands of nationalists.

Furthermore, the Bosnian Serb leadership is responsible for the delays and blockade of relevant legislation at the state level that would have allowed for Bosnia and Herzegovina to meet all technical requirements. Only recently the High Representative, Mr Izko, at the end of last month had to invoke his 'Bonn powers' against the unconstitutional politics of RS leader Milorad Dodik and decisions of the RS parliament in Banja Luka. But the leadership and the majority of Republika Srpska citizens will profit from the new EU regime,

thanks to dual citizenship with Serbia! Morally speaking, the effects of the new visa regime will be even worse. The Commission's recommendation will be announced on 14 July, at date at which not only the European Parliament is in its inaugural plenary session and will not be able to react properly but also few days after the 14th anniversary of the Srebrenica genocide. This weekend thousands of people will again mourn in Srebrenica, commemorate what happened and bury their family members. Historically, the EU has deplorable track-record of helping political extremists in legalizing and institutionalizing ethnic division in Bosnia. Almost no one in the Commission and Council is aware of this, as many EU foreign policy experts lack institutional memory.

Carrots and Sticks

During spring 1992, Jose Cutileiro and Lord Carrington intervened in Bosnia and Herzegovina by proposing a constitutional reform based on three ethnic cantons instead of preserving the unitary and multiethnic system. While most Bosniaks and Bosnian Croats were against these EU plans, Karadzic and Bosnian Croat nationalists were very much in favour. When talks on the demarcation of those three cantons started during March 1992, supervised by the EU envoy Cutileiro, the parties could not agree and war started. In late 1993 the EU intervened with its first Action Plan, again in order to stop the conflict. Ignoring signals from Bosniaks and Bosnian Croats that they were at this time ready to settle their conflict and build a new common state, the EU representative Lord Owen worked hard with both Milosevic and Tudjman in order to get a Union of three ethnic republics which prolonged the war between Bosniaks and Croats for two months and triggered the heaviest fighting including massive intervention of regular Croatian army in neighbouring Bosnia. On 14 July 2009, the Commission should recommend visa free travel to all citizens of Serbia. European foreign policy is only effective if its carrots and sticks are credible. But there is no technical, political and moral justification not to recommend the same for all citizens of Bosnia. The Commission can help to solve outstanding technical questions by an additional monitor mechanism.