

## **Comment: On the Twin-Track Highway to Europe**

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The EU's more flexible approach to Serbia and Montenegro still leaves fundamental political issues unresolved.

Despite a custom-built approach designed to make it easier for Serbia and Montenegro to progress towards European Union integration, the two republics face obstacles which – on past record – they are poorly placed to tackle.

Elections to a joint assembly scheduled for February will be a touchstone for whether the Serbs and Montenegrins are prepared to overcome differences and make the institutional changes the EU wants to see.

The “twin-track approach” was unveiled in September as a way of unblocking the fundamental problem facing negotiations on future accession – the disconnect between the EU's desire to deal with the state union, not its two constituent republics, as its political interlocutor, and the manifest need to engage with Serbia and Montenegro separately to push reforms in the macroeconomic and institutional areas that they control.

The move was a response to the feeling that insisting that all these matters be dealt with in talks with the unitary state entity would only delay progress on all fronts further.

The new approach, endorsed by political leaders in Serbia and Montenegro, will form the basis for a forthcoming feasibility study into whether the state union is ready to sign a Stabilisation and Association Agreement, SAA, the framework mechanism within which aspiring EU members prepare for accession.

But will even this flexible instrument be enough to unblock the process?

For two years, the process of integrating Serbia and Montenegro into the European mainstream has been at a virtual standstill.

After an initial rush of acceleration inspired by the overthrow of Slobodan Milosevic and the democratic election of a new government in Serbia in 2000, the process began running out of steam. Since 2002, the state union has dragged its feet even over starting work towards the feasibility study.

This period of inaction only compounded a range of chronic problems created by the preceding decade of conflict and political isolation. To unblock the impasse in all areas – but especially on economic matters – the EU devised the twin-track mechanism.

The EU remains attached to the concept of the State Union of Serbia and Montenegro, the constitutional arrangement which replaced the Yugoslav federation in 2003, and wants the SAA to be concluded with this overarching entity.

Several factors underpin this approach, the main one being a fear that dissolving the union could undermine regional stability at a delicate time, particularly when the final status of Kosovo – over which Serbia maintains its claim to sovereignty – is on the table.

In addition, Europe wants to see reforms to the army and secret service of Serbia and Montenegro seen through to their conclusion.

But despite the EU's wish to preserve the joint state, there are many problems in getting it to work as a functioning entity. The unusual constitutional provisions that underpin the union, coupled with a reluctance in both Belgrade and Podgorica to put these into practice, have made it impossible for the common state to make the required progress towards fulfilling key EU requirements.

This applies especially to the criteria for establishing a functioning market economy, a task which is impossible without first harmonising the Serbian and Montenegrin economies and forming a common domestic market. The twin-track plan can be seen above all as a response to the endless delays in harmonisation.

In areas where the constitution assigns jurisdiction to the state union rather than its constituent parts, such as defence, foreign affairs, visas, asylum and immigration, there has been a palpable lack of political will to make them function properly. A good illustration of this, though far from the biggest problem, is the division of ambassadorial posts between Serbia and Montenegro, especially those postings which are seen as most important or attractive destinations.

A common problem with all these contentious issues is that there is no agreed mechanism for how they should be financed at state union level.

The same applies to the common institutions. The supreme court of Serbia and Montenegro, for example, still has neither its own premises nor a clearly-defined set of powers.

The Constitutional Charter envisages direct elections for a Serbia and Montenegro assembly in February 2005, but Montenegro's ruling coalition questions the value of such a ballot since it favours a complete divorce from Serbia via a referendum dissolving the state union.

A solution to this issue must be found quickly, as the EU has said that ignoring the problem and allowing the current deputies to continue sitting in the state union parliament would be considered illegitimate. The EU would not recognise decisions by a parliament that it believes lacks a democratic mandate.

The outcome of the joint parliament issue will provide an indicator of whether it is going to be possible to reach agreement on other contentious matters within the framework of the state union. If the result is stalemate, it will mean more delays to European integration, because other areas that form part of the "political" or "joint" section of the SAA will remain blocked.

If they are to reach an agreement on these issues, both parties must know what they want. Montenegro's government does know what it wants, but there is no such clarity among either the ruling coalition or the opposition in Serbia. With all their internal political troubles, Serbian leaders have no clear position with regard to Montenegro.

At a recent meeting of EU foreign ministers, it was announced that work to complete the feasibility study for Serbia and Montenegro would resume. Commissioner for External Relations Chris Patten had previously said he would not call for a resumption of work until he was convinced the outcome would be positive. Hence, we can probably expect a green light for the start of talks on the SAA.

Negotiating economic matters with the republics on an individual basis will certainly help a lot, but the fact that political issues are still being lumped together is a problem. The EU and the joint state would do well to agree how these political matters should be handled, and how they are to fit within the twin-track approach. That agreement – at joint state level – needs to be preceded by an accord that defines Serbia’s negotiating position towards Montenegro.

The direct elections to a common assembly will be a significant test of whether such an agreement is possible, and thus of whether Serbia and Montenegro can achieve speedier integration into Europe.

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**Location:** Serbia  
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