

## **High noon in Slovenia – a referendum and the future of Balkan enlargement**

Kristof Bender and Gerald Knaus

3 June 2010

On Sunday, Slovenia's citizens will cast their votes in a referendum on a question of apparently modest global significance: Are you in favour of a law ratifying an arbitration agreement between Slovenia and Croatia over a minor territorial dispute?

As a matter of fact, in casting their votes Slovenian citizens will be answering a much more fundamental question – one that will have huge implications for Slovenia's future foreign policy, and perhaps for the future of EU enlargement in the Balkans. Slovenian citizens will be deciding whether Slovenia will remain a supporter of the Europeanisation of the Western Balkans, or will join the ranks of EU countries that hope that the promise of a European future for the region can be deferred indefinitely.

These are difficult days for South East Europe. Unemployment is rising in the wake of financial turmoil in the EU. Frustration over the EU's endless delaying tactics is poisoning the political climate. The EU gathering this week in Sarajevo turned out to be a disappointing flop. The German and French foreign ministers did not even turn up, with senior EU officials admitting off the record that 'Berlin has decided that enlargement is over'.

As always, the EU is quick to blame the region for its own problems. But this is beginning to ring hollow. At present, the EU has no credible policy towards the Balkans. From Greek intransigence over Macedonia's name to European divisions on everything from Kosovo's status to the future of the international mission in Bosnia to whether Serbia is cooperating with the Hague Tribunal, EU policy is in disarray.

In this situation, it is critical that those who believe in a European future for the Balkans make their voices heard. Since joining the EU in 2004, Slovenia has been a steadfast ally to the region. During its EU presidency, Slovenia worked hard for a more liberal visa regime. Sunday's referendum, however, could bring this to an abrupt end. A 'no' vote would leave Croatia in no-man's land, and the rest of the region even further from its destination. It would play directly into the hands of European enlargement sceptics.

What is this issue that might tempt Slovenians to turn against their friends and neighbours? The bone of contention is 13 square kilometres of largely uninhabited

land, and a wedge of territorial water in and near Piran Bay. The sea is Slovenia's main concern. Slovenia has been insisting that it must have 'territorial contact' with international waters in the Adriatic, to ensure the viability of its port of Koper and its national fishing industry.

To external observers, the Slovenian position is difficult to understand. Any ship using the port of Koper, or indeed the Italian port of Trieste, must pass through Croatian, Slovenian and Italian waters. This is no big deal, as under international law, all ships enjoy a right of innocent passage through the territorial waters of other states. As for fishing, even the option to discriminate against Slovenia would disappear once Croatia becomes a EU member.

Last November, the Slovenian prime minister Borut Pahor and his Croatian counterpart, Jadranka Kosor, agreed to an EU proposal to submit their dispute to a binding arbitration. This was a pragmatic way of resolving an issue that at the end of the day was important above all in its potential to derail Croatia's accession process. It was a reassuring assertion of states(wo)manship by the two governments. After Pahor successfully pushed the deal through parliament in April, Sunday's referendum is the final obstacle to putting this matter finally to bed.

Yet the leading Slovenian opposition party, the SDS of former prime minister Janez Jansa, has called on Slovenia to reject the deal, which Jansa describes as 'capitulation' and evidence of a 'servile mentality'. This is blatant populism. It was Jansa himself who, in 2007, reached an agreement with then Croatian prime minister Ivo Sanader to submit the matter to an international tribunal. Nonetheless, recent opinion polls suggest that Jansa's campaign is having an impact. What once appeared to be a comfortable majority in favour of compromise has now shrunk, and the result could go both ways.

If Slovenians vote 'no' on Sunday, it will be a godsend to opponents of EU enlargement, playing to every Balkan stereotype. If even Slovenia and Croatia, two traditional allies with no history of conflict, cannot resolve their disagreements, what hope is there for the rest of the region? Why would Europe want yet more fractious members in its already troubled ranks?

For many people in the Balkans, the prosperous, democratic nation of Slovenia has served as a beacon of hope. A 'yes' vote on Sunday would ensure that Slovenia retains its influence, within the EU and the Balkan region, as a champion of a European future for the region. It would truly be a step towards the day when the Northern Adriatic would become at last a place without borders.

All is now in the hands of the Slovenian electorate. It is truly high noon in Slovenia.

*The ESI Slovenia Project is supported by Erste Stiftung (Vienna).*