

Original Paper

Kosovo's European Road and the EU Role in Improving Relations with Serbia

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Abstract

Compared to other Western Balkan countries, the Kosovo case is of particular importance, on the one hand, by the fact that it is the youngest state in the region and, on the other hand, the integration of Western Balkan countries could not be sustained without resolution of Kosovo's status.

This paper aims to analyze the progress made in the relations between the two countries. The normalization of relations between Kosovo and Serbia is an important factor in regional co-operation, as well as an important condition for stabilizing the Balkans.

To make possible the realization of this objective Kosovo has undertaken a number of initiatives, which could facilitate the process of European integration. National Strategy for European Integration aims at supporting Kosovo's aspirations for membership and EU integration, so that by 2020 Kosovo may have "completed its homework" for EU integration.

Following the declaration of independence, Kosovo's main objective is Euro-Atlantic integration. Mainly, the journey towards the EU has been influenced by a number of factors, such as the overall situation, the political situation in the country, and the close relationship between Kosovo and Serbia. Following the signing on 19 April 2013 of the historic agreement by Prime Minister Hashim Thaci on the Kosovo side and Ivica Dacic on the Serbian side, the situation between the two countries apparently "improved". But what is different is the fact that this agreement was implemented thanks to the influence of EU representatives after a series of failed attempts.

Keywords

diplomatic relations, mediation, Kosovo recognition, Serbia, stabilization of the region

1. Introduction

Unlike the precedent periods, since 2008, the year which marks the independence of Kosovo, relations with the European Union are conducted under a completely new agenda. Even though the proclamation of independence has been the subject of numerous debates by international actors, countries of the region and beyond, there has also been a tough debate from the academic world.

If we refer to Kosovo's aspiration for European integration it is noticed in a series of documents, starting from the declaration of independence which explicitly cites: For reasons of culture, geography and history, we believe our future lies with the European family. We therefore declare our intention to take all steps necessary to facilitate full membership in the European Union as soon as feasible and to implement the reforms required for European and Euro-Atlantic integration (Kosovo, 2008). So it is evident that after the declaration of independence one of the main objectives of Kosovo's foreign policy is European integration.

The same attitude was held by the citizens of Kosovo. Referring to different surveys by European structures, most of the citizens in Kosovo are pro-European integration, 93 percent of respondents expressed their favor in EU membership (Studies, 2016).

But despite the desire of the citizens to join the European family, integration is a process that is conditioned by a number of issues, such as regional cooperation, cross-border cooperation, improvement of relations with Serbia, etc.

So in order to make it possible, at the same time to accelerate Kosovo's European integration, in May 2012 was created a Task Force. This mechanism was built through a national consensus, which reflects the structure of the National Council and aims to discuss and thoroughly analyze the current situation and the challenges that the country must face in the context of the European integration process in Kosovo.

The signing of the agreement in 2013 has served as a catalyst for accelerating the European path. Although essentially a difficult process, this was one of the crucial moments for the Europeanization of both countries. In this way, EU influence and mediation has clearly shown that it was the necessary mechanism to raise awareness that if there is no co-operation, there will be no progress.

After this moment, Kosovo has made gradual progress towards European integration. The latest achievement of Kosovo has been the signing of the Stabilization and Association Agreement with the European Union on 27 October 2015, which entered into force on 1 April 2016. The SAA is usually considered as the formal step preceding the EU accession procedure.

2. Method

This paper presents a systematic literature review that consists of an overview of the relationship between two countries and the perspective for the European Integration. For this motive a selected literature was analyzed. The methodology used was to review the literature, through searches on

European Council, European Commission website. Also government websites were analyzed, such as the Prime Minister of Kosovo, The Parliament of Kosovo, extracting information from relevant reports. In this paper several methods are combined, it is also due to consider the topic; this is because of the topic being treated. The main one is the comparative method. However, descriptive methods have also been used, through which the problems and the requirements of Kosovo are being addressed. There have been also identified just a few key issues between Kosovo and Serbia.

3. The EU's Role in Signing the Historic Agreement Tadic-Thaci

The Difficult relationships between Kosovo and Serbia would affect the progress of the whole Western Balkans. While the EU has maintained clear stance on the integration of this area, often considering it as one of the most neuralgic areas of the European continent.

Expressions such as “The Future of the Western Balkans is in the European Union” clearly shows the European Union’s political will to keep the region closer to it. For this reason, the EU could not fail to resolve the dispute that existed between these two countries, often taking the role of the mediator.

The main objective of the Western Balkan countries is European integration, an important process not only for these countries but for the entire European continent because stabilization of this area can only be achieved with full EU integration (Mejdani, 2004). It would be a serious mistake to abandon or forget the integration of Western Balkan countries, but especially of the Albanian and Serbian factor, because they are the two main players in the Western Balkans, if their relations do not improve this will have consequences for the whole region, crisis, insecurity, instability. So the right way is to integrate them into the EU and keeping Russia away from this region. Balkans due to its geographical position is of great importance, it serves as a bridge between east and west. Positive and negative events that have been produced in this region have produced negative consequences in neighboring areas (Goxha, 2017).

The situation was extremely difficult, convincing the representatives of the two countries to discuss issues that concern not only them, mainly the EU, but also beyond the most important international actors. However, although the situation was extremely conflicting, negotiations about technical issues between Kosovo and Serbia started in 2011, which had found a solution positively.

Meanwhile political negotiations began officially on October 19, 2012, when EU High Representative for Foreign Policy and Common Security, Catherine Ashton invited Prime Minister Thaci and Prime Minister Dacic to her office in Brussels.

To make possible a meeting between two people who had never met each other, was a great achievement, but also given their opposing views also posed a great danger. This was the first meeting, but not the only one, their meetings were consecutive, which lasted for hours. The European Union strongly believed in reaching this agreement, in a way it would not want to accept another failure. The EU was convinced in the realization of this agreement, therefore, only 3 days before the agreement, on

April 16, 2013, the European Commission postponed the introduction of relations between Serbia and Kosovo on their way to EU, namely “to improve diplomatic means and pressure on the two countries”. The agreement was considered of particular importance because among other issues, the contracting parties pledged not to hinder the European integration process of each of them, as well as to contribute to free elections in municipalities in northern Kosovo.

Referring to the European Parliament’s document (13 October 2013), this agreement “marks an important step and strengthens the responsibility of the Kosovo authorities to implement the agreement in good faith, to move forward in normalizing relations with Serbia and to continue implementing the necessary reforms on the road to European integrations”.

After signing the agreement, the EU High Representative Catherine Ashton during a held speech said: “That this was a very important act by Belgrade, with this move Serbia’s leader have shown not only to be visionary but at the same time courageous”. During a meeting with reporters, she described the bilateral agreement as a very important step for both countries “now what we are seeing is a step away from the past for both countries and one step closer to Europe” (Bilesfsky, 2013).

If we look at the position of the Serbian side, right after the signing of the agreement, it is clear that even for Serbia, European integration is one of their most important objectives. We notice this in a speech delivered by Serbian President Tomislav Nikolic. This is what he said, “Serbia will continue to fulfill its obligations to the EU at the same pace, but also to its people when it comes to a better life, but Serbia will never recognize Kosovo”.

So even though this moment will remain in history for the importance and value of this agreement, but despite the progress made, Serbia did not change its approach to Kosovo’s recognition as a subject of international law, using as a pretext the violation of international law. Meanwhile the International Court of Justice expressed its views on this issue in July 2010 (Advisory Opinions and Orders Accordance with International Law the Unilateral Declaration of Indipendence in Respect of Kosovo Advisory Opinion of 22 July 2010, 2010). On the other hand, some analysts consider signing this agreement as de facto recognition, which Serbia categorically denies. But if we refer to ways of international recognition, the signing of one or several agreements between the two countries is considered as silent recognition (International Crisis Group, 2013).

4. Factors That Slow Down Kosovo’s European Integration

If one tries to highlight the factors that have somehow slowed down the process of Kosovo’s integration, one can say with complete conviction that if one looks at a point of view this deterrence is more political and legal than fulfilling the criteria. While at another point of view, the role and influence of Member States that have not recognized it as a subject of international law makes it even more difficult to integrate this country (5 EU member states). Although on July 8, 2010, the European Parliament called on all member states to recognize Kosovo’s independence (Council of the European Union, 2008), these countries continue to hold opposition to the state of Kosovo.

Although the problems faced by Kosovo are different, on the one hand is influenced by the political will of some of the member countries, on the other hand the approach of Serbia and other international actors, too, cannot be ignored the internal problems. But apart from everything, one can say that it has not stopped making efforts to make qualitative steps towards European integration.

If one refers to the National Strategy of the Republic of Kosovo, we will notice that its focus is on preparing the best possible way for European integration (Kryeministria e Republikës së Kosovës, 2013). For this reason, the Kosovo government has identified five key criteria to be fulfilled within a defined timeframe, precisely within 2020, so that Kosovo has made the right preparations to be further integrated into the European Union. The objectives of the Government of Kosovo are mainly based on the Copenhagen criteria and the various recommendations of the European Union to the countries of the Western Balkans, which includes the state of Kosovo. The objectives are as follows:

- Effective governance;
- Fight against corruption and organized crime;
- Economic development;
- Involvement of interested parties;
- Improving relations with the European Union.

If one tries to analyze the progress made in the fight against corruption and organized crime, we will see that there are still shortcomings, although there is improvement compared with the previous year. Referring to the Progress Report of the European Commission, Kosovo has made progress, but it still remains to be done in several areas. During the speech held after the Progress Report for 2017, the Head of European diplomacy Federica Mogherini and Enlargement Commissioner Johannes Hahn said: “Progress Report for 2018 shows unresolved issues and recommendations that need to be met from Kosovo”.

As stated above, it clearly demonstrates the will of the Kosovo government to make a step towards European structures. This is evidenced by the ratification of the demarcation, which was an important step in the acceleration of visa liberalization for Kosovo. After the release of the progress report Kosovo government held a public statement, which clearly appears that their expectations are not realized, although compared with the precedent years it is the most positive progress report. In the progress report there are no deadlines, a fact that concerns Kosovo President Hashim Thaci, who said that “Kosovars are tired of reports and that liberalization must happen as soon as possible” (EU Report on Kosovo, Government: The most positive assessment of recent years, 2018).

Kosovo geographically is part of the Western Balkans region, although it is the youngest Balkan state and then compared to other countries in the European integration process, is somewhat more in advantage in that it can take as references the experiences of these countries. If we try to identify the effects that Kosovo’s membership in the EU would bring, we would identify some; first, it would mean progress both in the economic and institutional perspective. If we look at recent EU membership, Croatia’s EU membership in 2013 can be considered as a “model of inspiration” for all countries

aspiring to European integration, but especially for Kosovo. Furthermore, European institutions have in many cases confirmed that, like Balkan neighbors, “Kosovo is European”. Moreover, a 2009 feasibility study by the European Commission stated that Kosovo’s economy possesses a “European perspective in line with the European perspective of the region and that the lack of an agreed position on Kosovo’s status does not hinder the EU from engaging substantial in Kosovo” (Euroeapan Commission, 2012).

In general, candidate countries for the European Union need to strengthen and adapt their internal law with the common rules of the European Union (Schneider, 2009).

This right is already known with the term “acquis”. Implementation and application of European law is conditional on Kosovo’s ability to accomplish it. Kosovo needs to build the right mechanisms to make it feasible.

5. Russia’s Role in European Integration of Kosovo

In the 1990s, changes took place in the Balkans region, and in every country in particular, which defined their foreign policy, EU and NATO oriented as well as their relations with Russia. Relations between the Balkan countries and Russia developed contradictory in this period (Rama, 2013).

Russia really wanted to continue its influence in the Balkans region, playing an active role, but it certainly depended on its state of affairs in that period, its regime, but above all its relationship with the West. The time length of strong economic dependence on the West seemed to exclude its return as a force in the Balkan region, as it did in the period before the start of World War I.

The Kosovo war would once again bring it to the Balkans, this time as part of an international body to solve the problematic of Kosovo (mainly the bloody war of Serbs in Kosovo). For this purpose, the Contact Group was set up, an international body composed of Great Britain, Germany, France, Italy, USA and Russia. This organization started the process that led to the establishment of the principles that Kosovo would follow.

The Contact Group was dissolved in 2007, but despite this fact, de facto Russia remained a partner of Serbia, despite international efforts to make the declaration of Kosovo’s independence possible. About this issue, Russia undertook stance, according to her, an independent Kosovo would constitute a precedent to motivate other territorial regions to take a step towards independence. During the crisis with Ukraine, it seemed opposite stands with the European Union (The Western Balkans between Europe and Russia, 2015).

Although Western Balkan countries are on the road to the European Union, uncertainty is one of the key issues that internationals worry about the future of this region.

Such approaches by Russia have caused Europe to experience concerns, because it could affect the integration process of each of these countries. This position becomes apparent even in a speech by EU High Representative for Foreign Affairs and Security, Federica Mogherini, in December 2014. Here is what it says: “Russia must keep the Western Balkans away from the Ukraine crisis and not to work against the EU in the region”.

6. Kosovo's Relationships with the European Union

This section will deal with Kosovo's relations with Serbia, the progress made in relations between the two countries and the path of Kosovo towards European structures.

Referring to the European Parliament's document of 13 October 2013, this agreement (Thaçi-Tadic) marks an important step and strengthens the responsibility of the Kosovo authorities to implement the agreement in good faith, to move forward in normalizing relations with Serbia and to continue implementing the necessary reforms on the path of European integration (Parlamento Europeo, 2018).

The agreement was considered of particular importance because, among other things, the contracting parties pledged not to impede the European integration process of each of them, as well as to contribute to free elections in municipalities in northern Kosovo. But what is different is the fact that this agreement was implemented thanks to the influence of EU representatives after a series of failed attempts. One can say that the European Union strongly believed in the achievement of this agreement, in a way it would not want to accept another failure. As noted above, it becomes evident when on April 16, 2013, just three days before the agreement the European Commission postponed the introduction of relations between Serbia and Kosovo on their path to the EU, namely "to improve diplomatic means and pressure on the two countries" (Camera dei Deputati, 2013).

Despite efforts by the Kosovo government and promises to open the SAA negotiations in 2014, its realization was impossible. Negotiations for the Stabilization and Association Agreement between the EU and Kosovo were opened in October 2015. Its purpose is to provide the political and legal framework that would regulate the process of approximation and Kosovo's membership into the European Union. The Stabilization and Association Agreement was signed between the EU and Kosovo. According to the European Commission, the negotiations for the agreement were supposed to be completed by the end of 2014 (Denti, 2013). Although a time limit for its signature was imposed, in reality, this period of time has been extended somewhat due to the political situation in the country. The Stabilization and Association Agreement (SAA) between Kosovo and the European Union was signed in Strasbourg a few months later, on 27 October 2015, between the Prime Minister of the Republic of Kosovo, Isa Mustafa and the EU High Representative for Foreign Affairs and Security Policy, also vice-president of the European Commission, Federica Mogherini.

The opening of negotiations between the two countries has confirmed the European perspective of the country and accelerating relations with Brussels. According to Prime Minister Dacic, the opening of negotiations was considered a historic goal. Following this important step undertaken by both governments, the EU will continue to monitor the implementation of agreements on normalizing relations with Kosovo.

According to Kosovo Prime Minister Isa Mustafa: "The signing of this agreement confirms the will of the citizens of the Republic of Kosovo towards the Euro-integration perspective and the opening of a new chapter for Kosovo. This agreement seals Kosovo's path towards the EU, a road that has no return, but opens up opportunities for Kosovo to reform, adapt and implement reforms in all sectors. It is the

path of strengthening democracy and building the rule of law, the path of political stability and economic prospects, the path of transition to a functioning market economy, the strengthening of peace and stability in the region and political solution” (Kryeministria e Republikës së Kosovës, 2015).

We cannot deny the fact that the signing of this agreement is not the magic wand that, with one click, resolves all political, economic, social problems, relations and cooperation with neighboring states, primarily with Serbia. The signing of the SAA is a qualitative step for cooperation and concrete Kosovo support for its EU integration. However, its implementation in practice depends on the concrete engagement of relevant institutions of the Government of the Republic of Kosovo, not the EU (Goxha, 2017).

After signing the Stabilization and Association Agreement, it is assumed that there will be a positive development in Kosovo, which will enable transition to other stages, such as the candidate status and then opening the negotiations with the EU.

Following the signing of the SAA and its entry into force (1 April 2016), what Kosovo aspires to is the status of candidate country, but this process requires the fulfillment of a number of criteria. If we refer to Article 49 of the Treaty on European Union, it sets out the criteria that a country must fulfill to apply for EU membership. First, the applicant must be a “European state”. Secondly, the applicant must respect and promote the values set out in Article 2 of the Lisbon Treaty, namely: respect for human dignity, freedom, democracy, equality and the rule of law; respect for human rights, including minority rights, solidarity with gender equality, etc. Third, the applicant country must meet the EU eligibility criteria known as the Copenhagen Criteria.

If we try to show Kosovo’s ability to meet criteria mainly 2 and 3, we can say that Kosovo has all the attributes to meet them, and its possibilities seem incontestable (Cormaic, 2014). This clearly appears in its commitment to the promotion of European values. Kosovo is a beneficiary of EU funds in the framework of pre-accession assistance. For this reason, these two criteria cannot present legal problems for Kosovo’s ability to grant candidate status, and also if we look at it in the long term, after fulfilling and meeting the necessary criteria, to apply for membership European Union (European Commission, 2017).

But in fact, the issues that concern Kosovo are several: on the one hand, its controversial status, mainly the recognition by the 5 member states of the European Union, otherwise it would be difficult to turn it to European structures, even almost impossible. On the other hand, regional cooperation, mainly relations with Serbia, which is one of the conditions of the Stabilization and Association Agreement.

If the relations between these countries do not stabilize, then the integration of each of these countries would be controversial. This statement is noted in the various statements and approaches held by EU leaders for Serbia’s integration. “If Serbia does not recognize Kosovo’s independence, it does not recognize it as a subject of international law, then there is no place for them in the EU”. This attitude is clear and straightforward, leaves no room for interpretation, so integration is conditional. If we refer to

the latest European Union Progress Reports for Kosovo, there is a noticeable progress that has been made possible thanks to the EU's commitment, as well as to the contribution of Eulex.

The EULEX mission was formally formed by the EU Joint Action, approved by the Council in February 2008. The creation of this mission was based on the so-called Ahtisaari Plan. The purpose of the mission was to support the development of good governance and rule of law in Kosovo. However, in June 2014, it was considered reasonable to extend the EULEX mandate by a deadline until June 14, 2018. Extending the timeline of this mission, I do not believe it was anything casual, but to continue contributing in the framework of the European integration process.

The progress achieved shows the willingness of both parties to further Kosovo's integration into the EU, cannot be ignored the areas where interference should be made, without the fulfillment of which the integration would slow down.

Kosovo has been at the center of debates by academics. For this reason, there are different theses about the status of Kosovo, a considerable part of the academics treats it as a special case because of the controversial status. While the rest are against it. Serbia's claims on Kosovo have been persistent, but on the other hand, the EU has put its shoulders behind the wall, having it make a choice, EU or Kosovo.

7. Conclusion and Recommendations

This study concludes that relations between the two countries have improved in the framework of agreements dictated by Brussels. The normalization of relations between the two countries is a mandatory condition that will serve the whole region. If there is no progress, the road to Europe is long and difficult. Normalization of relations between the two countries will only take place after Serbia recognizes the state of Kosovo.

Regional co-operation is also an essential element of EU policy for the Western Balkans. Kosovo's regional co-operation is key to its European Approach agenda, because any kind of cooperation between the countries will enhance security and stability between them.

Kosovo must do its utmost to meet the reforms and commitments in the framework of the SAA headings, as part of the visa liberalization process and dialogue with Serbia, but more specifically to build a strong and legal state. This way the EU could be ready to take a qualitative step to move to a different stage in the opening of negotiations with the European Union.

To address Kosovo's challenges and problems for its EU progress, Kosovo requires a comprehensive development, a set of reforms that could serve as a catalyst for EU progress. While, it cannot be deny that it is not just the internal problems that need to be solved, but it is essential that EU leaders help move on to other stages.

European integration implies confrontation with a large number of challenges for Kosovo. For this reason, it is recommended engagement and commitment by the government, which should address the European integration as a top priority. It is necessary to build stable and democratic institutions, also

need the necessary administrative capacity to prepare and implement coherent and coordinated strategies to make economic development and growth feasible. So, in this way they will be able to meet the required criteria.

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