

# Role of EU Integration in Forming an Independent Kosovo

Research Paper

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## **Abstract**

In Western Balkans, European integration has provided a comprehensive framework for development and policy direction, while EU conditionality has dynamically transformed into an instrument to pressure for resolution of intractable problems specific to the regional context: reconciliation, return of refugees, cooperation with the International Crime Tribunal for the former Yugoslavia and Kosovo's unresolved status. This paper examines the role of EU conditionality and importance of European integration for the status settlement in Kosovo. It finds that while European Integration program succeeded to build necessary capacity for Kosovo's statehood, the conditionality failed to find incentives or exert sufficient pressure for Serbia to agree to Kosovo's Independence under specific conditions, as granted by the so-called Ahtisaari Plan or the new Constitution. Moreover, the EU complicated the recognition process by absence of comprehensive foreign policy due to pending consolidation of decision-making mechanisms and fear of domestic problems in member states with significant minorities. To grant legitimacy to the current status, EU needs to systematically build on the pro-European trend in Serbia and step up on the ladder to EU accession by a formulating a contractual relationship with clear prerogatives for a functional relationship with Kosovo government and moderation of the opposition in the Serb-populated North.

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## Glossary of acronyms

AEI – Agency for European Integration  
CARDS – Community Assistance for Reconstruction, Development and Stabilization  
CFSP – Common Foreign and Security Policy  
CEECs – Central and Eastern European Countries  
EAR – European Agency for Reconstruction  
ENP – European Neighborhood Policy  
EP – European Partnership  
EPAP – European Partnership Action Plan  
EU – European Union  
EUSR-ICO – European Union Special Representative, same as International Cooperation Office  
EULEX – EU rule of law mission  
FYR Macedonia – Former Yugoslav Republic of Macedonia  
GDP – Gross Domestic Product  
ICTY – International Crime Tribunal for the Former Yugoslavia  
IPA – Instrument for Pre-Accession  
NATO – North Atlantic Treaty Organization  
PISG – Provisionary Institutions of Self-Government  
SAP – Stabilization and Association process  
SAA – Stabilization and Association Agreement  
STM - Stabilization and Association Process Tracking Mechanism  
SG – Secretary General  
SRSG – Special Representative of the UN Secretary General  
TAIEX – Technical Assistance Information Exchange Unit  
UN – United Nations  
UNMIK – United Nations Mission in Kosovo  
UNSC – United Nations Security Council

## 1. Introduction

European Union conditionality has proven to be a powerful tool to approximate the political and socio-economic conditions of the countries recently acceding to the EU, but there is relatively little academic debate on how effective conditionality has been in facing the challenges related to the legacy of the inter-ethnic wars in Western Balkans. The European integration of the Western Balkans has provided an effective framework for reconciliation, democratization and socio-economic revitalization. However, in the post-conflict climate, major issues have stood in the way of progress in these areas, namely latent nationalism in Serbia and Kosovo's unresolved status. While the UN was charged with the responsibility for administering the province, the EU increasingly came to determine conditions and strategy under which Kosovo would sustain reforms and create a functioning system. At the junction of two processes, Kosovo's status settlement and European integration of the Western Balkans, the EU had a historical opportunity to use its available instruments to catalyze the transformation of Kosovo into an independent, democratic country, to achieve greater stability in the region and to help remove the obstacles to European integration in form of Kosovo's unresolved question and vestiges of ethnic nationalism.

When the status negotiations in 2005-2007 did not produce a solution acceptable to all parties, the Kosovo government took the initiative to adopt successively the Declaration of Independence and the Constitution of the Republic of Kosovo, falling back on help of the EU and international allies. Rather than seeing the European integration and the status settlement as two unrelated processes that happened to intersect, we ought to ask: Through what mechanisms and to what extent did the European integration contribute to an independent Kosovo, and the status settlement? As was theorized by Schimmelfenig, Anastasakis and Bechev, the principal instrument for coercing the candidate and pre-candidate countries to adopt EU's agenda is conditionality. While the EU conditionality has succeeded as far as state-building in Kosovo goes, the EU policy has mixed results with the status implementation, and it has failed insofar as external validation of Kosovo's independence is concerned. Overall, EU integration assisted Kosovo Provisional Institutions of Self-Government in these key areas:

- to establish all the structures necessary to conduct European integration process, while extending all its available integration mechanisms to Kosovo
- to adopt the Ahtisaari's Comprehensive Proposal for the Status Settlement prior to the constitution as one of the internationally agreed conditions of independence
- in the constitution writing process, the EU provided expert advise on incorporating democratic principles by building on different European states' constitutions and including specific provisions to accommodate the rights of all minorities and international presence
- by establishing an EU mission to support the rule of law, in particular to monitor and mentor areas of police, judiciary and correctional services.

It is important to note that the effects of EU integration are not easily measurable or simply identifiable as successful or unsuccessful, because they are to some extent combined with results of other sociopolitical processes such as domestic policies or independent civil sector projects, and due to administrative changes and bureaucratic hurdles, there is hardly consistent documentation from the past few years. Therefore, surveying media, scrutiny of official EU statements and documents related to European integration and conducting interview with Kosovo governmental officials, members of the civil society and experts, has offered more insight into the cause and effect relationships than comparing quantitative information, which calls for greater accuracy and regular update.

Aside from directly intervening in Kosovo, the EU had influence to reinforce implementation of the status settlement in two ways: internally and vis-à-vis Serbia. Firstly, because of not granting Kosovo a uniform recognition, the EU did not succeed in facilitating the adoption of independence as was hoped, primarily due to its internal contradictions and domestic pressures in member states. Secondly, EU conditionality has contributed to positive internal shifts in Serbia, but it hit the wall when losing Kosovo was at stake. Contradictory pressures arise from the fact that if the Kosovo Albanian plight was given green light, it could be taken as a precedent by self-determination movements in the EU member states and endanger their internal stability. At the same time, the independence of Kosovo is crucial for its progressive integration of EU values and norms and for the stability of the Balkans. Thus, the EU contemplated offering Serbia a faster track to the Union if she agreed to Kosovo's supervised independence. Strictly speaking, European conditionality was not directly applied to pressure Serbia to accept Kosovo's independence and even if it was, it would probably fail to change Serbia's position. The situation has been complicated by the inconclusive UN involvement, and by the fact that Serbia is a key strategic partner in the region for the EU. At the same time, Russia has firmly backed Serbia, which employed all available diplomatic means to promote the position that Kosovo's independence is against international law and to hinder the recognition process and evolution of Kosovo into a democratic republic.

This leads me to believe that European pre-accession conditionality cannot forcefully address such a sensitive issue as independence of a province functioning as an international protectorate after a violent disintegration of a former federation, when the 'motherland' is determined to uphold territorial integrity. The inefficiency of the EU approach is due to the inability to devise a centralized approach and to offer Serbia adequate compensation for Kosovo's Independence. On the other hand, the EU policy advice was promptly incorporated into legal packages produced in Kosovo, but with the unclear institutional backing of the transition to the EU supervision, there is little guarantee of ensuring sustained reforms and practical improvement after the Comprehensive Proposal for Status Settlement and the new constitution were adopted. While discussing the present challenges, we can make modest recommendations; if Kosovo is not to remain an EU protectorate, the EU should systematically build on the cooperation with Serbia by immediately rewarding compliance and addressing the tensions in the Serb-populated North of Kosovo. When the political climate in most of the independence-opposing EU member states shifts towards recognition, the European Commission needs to seize a chance and formulate clear policy to enable a higher degree of European integration for both Serbia and Kosovo.

## **2. EU conditionality**

European Integration is a process of political, economic and cultural integration and co-operation between various European countries progressively intensifying in the period since the end of the Second World War.<sup>1</sup> The collaboration between the EU and other countries to achieve shared standards presents one particular dimension of this process, which has gained significance in the beginning of the 21<sup>st</sup> century. Conditionality is the most powerful tool of this widening dimension of European integration (as opposed to deepening), because it can be tailored according to the evolving preferences of the EU and the needs of each respective country. Schmitter has defined conditionality as "*the use of fulfillment of stipulated political obligations as a prerequisite for*

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<sup>1</sup> Based on definition in the European Integration History Index, Centre Virtuel de la connaissance sur l'Europe, see <http://vlib.iue.it/hist-eur-integration/Index.html>.

*obtaining economic aid, debt relief, most-favoured nation treatment, access to subsidized credit, or membership in coveted regional or global organization.”*<sup>2</sup> In applying conditionality and enforcing its own standards in Kosovo and Serbia, the EU draws on its previous experience with Central and Eastern European countries and on its authoritative bargaining power. EU conditionality is highly asymmetrical. Toward the candidate and potential candidate countries, the EU exercises a degree of power that it cannot apply to its member states or use vis-à-vis external partners not included in the EU integration.<sup>3</sup> EU membership is contingent on fulfilling the requirements that are non-negotiable, although the parties have substantial liberty in designing their own country plans to implement the European Partnerships. The European Commission determines in what manner and time frame the rewards for progress are imparted, and approves overall financial and reporting mechanisms.

EU conditionality rests on a strategy of reinforcement by reward. The potential benefits include loosening of travel or trade restrictions, economic and financial assistance and balance of payments support, strengthening of democratic principles, partnerships with civil society and cooperation in justice and home affairs, humanitarian aid for refugees and returnees, and enhancement of a political dialogue. The EU applied conditionality through regional and institutional policies, bilateral national assistance and project-specific means.<sup>4</sup> It is up to the target governments themselves whether they will comply with the EU principles and create environment in which the desired conditions can be attained across regional differences in their country. The bilateral and regional forums between the EU and the aspirants for integration are typically not held with the purpose of negotiation; they serve to explain the EU’s conditions and principles, and to identify the future course of action. The main objectives of the European integration of the Western Balkans are similar to those of the EU Eastern enlargement in two waves of 2004 and 2007:

1. to overcome the political legacy of the totalitarian regime, the war, and the inter-ethnic struggle and to instill democratic and human rights standards
2. to bridge the economic and social gap with the European Union through capacity building, improving infrastructure and transforming the countries into market economies
3. to adopt legal and policy framework in line with the *acquis communautaire* and other EU specifications.<sup>5</sup>

The regular summits and reports provide an opportunity for the EU to encourage and commend progress and to help the partner countries to find a way to fulfill the EU requirements.<sup>6</sup>

Compared to the Central and Eastern Europe Countries (CEECs), the preconditions in the Western Balkans (except for Croatia) for transition to democratic regimes and market economies have been substantially worse to start with. Due to the gap between the status quo ante European integration and the European standards, expanded by tighter specification of EU requirements over time, the

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<sup>2</sup> Schmitter in Curri, Fatmir. “EU’s Regional Approach Towards the Western Balkans: European Future for Kosovo” (master’s thesis), Katholieke Universiteit Leuven, May 2005.

<sup>3</sup> Anastasakis, Othon and Dimitar Bechev, “EU Conditionality in South East Europe: Bringing Commitment to the Process”, Oxford University and St. Anthony’s College, April 2003.

<sup>4</sup> Ibid, 2003.

<sup>5</sup> Quaisser, Wolfgang, and Steve Wood. *The NEW European Union*. Boulder: Lynne Rienner Publishers, 2008, chp.2.

<sup>6</sup> Schimmelfenig, Frank and Ulrich Sedelmeier, *Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe*, Journal of European Public Policy 11:4, August 2004: 669–687.

set of conditionality in Western Balkans is even more demanding than in CEECs and as such has met considerable difficulties.<sup>7</sup> The Western Balkan (WB) countries have to fulfill the Copenhagen criteria laid out for accession as well as the conditions laid out in the Luxembourg Council Conclusions before starting serious negotiations about an accession agenda. Prior to opening negotiations for a contractual relationship, all countries concerned must demonstrate

- a commitment to democratic reforms and to complying with generally recognized standards of human and minority rights;
- opportunities for the return of refugees and internally displaced persons to their places of origin;
- free and fair elections;
- implementation of initial steps for an economic reform;
- and cooperation in bringing war criminals to the International Crime Tribunal.<sup>8</sup>

The carrot and stick model does not work as effectively as with CEECs, because the prospect of EU membership is somewhat distant and abstract for the Western Balkans, and the EU has mainly limited its rewards to financial and technical assistance, verbal praise and promise of visa liberation or trade concessions.

Nonetheless, conditions to apply the most effective tool of European integration (EI) were good, since both Serbia and Kosovo are dependent on access to the EU market and capital flow. As Anastasakis and Bechev note, political expediency has often played an important role in establishing closer bilateral ties with the EU that differentiate the countries by granting them special candidate status<sup>9</sup>. The Former Yugoslav Republic of Macedonia signed a Stabilization and Association Agreement in 2004, in which the EU offered a political reward for the support given to the West in accommodating the Kosovo Albanian refugees during the 1999 war<sup>10</sup> and averting conflict between the home-grown nationalist stream and its own Albanian minority. Croatia, for whom membership negotiations have begun in earnest, also benefits from an accession partnership, signed after president Tudjman's socialist cabinet was replaced by a new government<sup>11</sup>. In December 2007, the EU debated offering Serbia a faster track to the EU in exchange for independence for Kosovo, but it was postponed. As the EU enlargement chief, Olli Rehn, said: "full cooperation with the Hague tribunal has been (...) and will be the essential condition for the signature of the SAA agreement with Serbia."<sup>12</sup> While the recent progress concerning Serbia's relations with the EU will be discussed in section 6, it is instructive to examine the general mechanisms of European integration.

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<sup>7</sup> Curri, "European Future for Kosovo".

<sup>8</sup> Council Conclusions on the Application of Conditionality with a view to developing a Coherent EU Strategy for the Relations with the Countries in the Region, Annex III to CC Luxembourg, April 29 and 30, 1997.

<sup>9</sup> Anastasakis and Bechev, "EU conditionality."

<sup>10</sup> European Commission, *Report on the Feasibility of Negotiating a Stabilisation and Association Agreement with the Former Yugoslav Republic of Macedonia*, COM (1999) 300 final, Brussels: 16 June 1999.

<sup>11</sup> European Commission, *Report on the Feasibility of Negotiating a Stabilisation and Association Agreement with the Former Yugoslav Republic of Croatia*, COM (2000) 311 final, Brussels: 24 May 2000.

<sup>12</sup> Schomberg, William, "Slovenia Backs Fast Track EU Role For Serbia", *St. Petersburg Times*, Issue 1337 (1), January 9, 2008, see <http://www.sptimes.ru>

### 3. European integration

European integration has had multiple attractions for Kosovo. Since re-union with Serbia was, after the inter-ethnic conflict, unthinkable, and the perspective of joining Albania was swept away by the Contact group conditions set for the status settlement, it was strategic for the small Kosovo to seek alliance with another partner with greater political and financial power. Shortage of funds and expertise, as well as high unemployment and other domestic challenges have made Kosovo dependent on EU development assistance. Visions of greater freedoms and increased self-reliance also served as an incentive. With unemployment as high as 45%<sup>13</sup>, EU integration had a particular appeal for creation of new jobs throughout the process and promise of easier access to the EU job market. The inter-operability with the European Monetary Union is ensured due to the introduction of Euro as the only Kosovo currency after the 1999 war. Besides, being the youngest population in Europe, the Kosovo society was excited for the advantages that greater integration with EU brings: access to Western markets, easier traveling, technical spill-over and educational and capacity-building opportunities.

Aside from bringing the fruits of socioeconomic development, the European integration soon attained a wider significance for Kosovo as a means to end the UN administrative and speed up the status settlement. With only some EU actors and the US committed to taking concrete steps to resolve the situation politically, Kosovo was bound to remain a UN/NATO protectorate until the EU, absorbing the 2004 round of Eastern enlargement, could effectively extend its agenda to Western Balkans. The interim administration and relative security under NATO supervision would not satisfy the long-running political self-determination of the Kosovo Albanians. As Wim van Meurs comments, for any Kosovo Albanian politician, “yielding one inch from the claim to full independence would be a political suicide”<sup>14</sup>. To improve the function of Kosovo’s Provisionary Institutions of Self-Government (PISG), UN Interim Mission in Kosovo (UNMIK) introduced a set of benchmarks defining clear institutional and legal objectives called “the Standards for Kosovo” and the Security Council endorsed them in 2003.<sup>15</sup> The EU expressed strong support for the Standards and assumed responsibility for Pillar IV aimed at economic development. Though the international community managed to set the focus of the Kosovo leadership on fulfilling the “Standards for Kosovo,” as a pre-condition to start the status talks and to initiate a process of European integration, the question of the final status has dominated political debate in Kosovo inner circles since 1999. Even though the criteria had not been entirely fulfilled, Kosovo was included in European perspective and the original framework was gradually integrated into the European Partnership priorities and national development plans.<sup>16</sup>

The advantage is that after the war with Serbia, Kosovo governing structures had to be formed anew. Kosovo had three options: to be governed by Belgrade, to resign to the UNMIK administration with hope of gradually acquiring more autonomy or to build its own governance structures with EU guidance and international assistance. There was a parallel system of Albanian

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<sup>13</sup> Kačaniku, Iliriana, Kosovo Foundation for Open Society, Program Coordinator, European integration, author’s interview, Pristina, 07/20/2008.

<sup>14</sup> Wim van Meurs in Curri, “The European Future for Kosovo”, 48.

<sup>15</sup> UNMIK: A timely mission, Standards for Kosovo, 8.

<sup>16</sup> Kosovo Foundation for Open Society, author’s interview on European integration, Pristina, 07/20/2008.

institutions in Kosovo already before the war, so re-integration into the Serbian political system was not an option. Bugajski commented at the time that “indefinite “non-status“ stalemate or the proposed return of Kosovo to Serbian and Yugoslav control may actually exacerbate the problems already faced by the international actors in guaranteeing security and building credible local institutions”.<sup>17</sup> UNMIK presence has had a provisional nature without a withdrawal strategy due to its mandate defined by the United Nations Security Council resolution 1244, and as such is an intermediary solution, that encountered limits of what it can achieve after a few years. Because EU’s model for planning, governance structures, and for transfer of authority to the local hands matched the need for an integral system in Kosovo, the PISG welcomed EU’s decisive role in the transformation of the province into a functioning, independent unit. From the Albanian perspective, the US was seen as the main do-gooder in Kosovo because of its resolute action against the Milosevic regime in 1999. However, American interest and resources have gradually shifted to Middle East, and the EU was better suited to play a central role in the regime consolidation in Kosovo due to its geographical position, political power and enlargement perspective. Thanks to the incentives of financial and technical assistance and of higher living standards, its relation with Kosovo evolved into a multi-dimensional and multi-purpose channel for cooperation.

First, the European Union launched a Regional Approach in 1997 geared towards reconciliation<sup>18</sup>, which was later replaced by the Stability Pact<sup>19</sup> aimed at enhanced regional cooperation and long term stability. In 1999, a Stabilization and Association process (SAP) was proposed as the integrated EU policy aimed at keeping peace and stability and prompting development in the Western Balkan countries: Albania, Bosnia and Herzegovina, FYR of Macedonia, Serbia and Montenegro, including Kosovo as defined by the Resolution 1244. The European Council meeting in June 2000 in Santa Maria da Feira officially opened EU perspective for Western Balkans by recognizing the countries in the Stabilization and Association process as prospective candidates for the EU membership (see Annex II). The SAP framework would keep the Balkan countries on the track to EU integration, first by formulating a contractual relationship with the EU through signing the Stabilization and Association Agreement (SAA), and then by leading to eventual accession.<sup>20</sup>

At the EU summit in Thessaloniki in 2003, the Conclusions on Western Balkans from June 16 put forward the propositions to enhance the privileged relations with the WB countries, to further political dialogue and to create an environment for regional cooperation. Consequently, the EU-Western Balkans Summit adopted “The Thessaloniki Agenda for the Western Balkans: Moving towards European integration,”<sup>21</sup> which specifies the conditions for Balkan integration. The European Agency for Reconstruction has administered the transition from post-conflict relief and

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<sup>17</sup> Bugajski, Janusz, “Building Stability in Weak States: The Western Balkans”, Vienna: 2003, cited in Fatmir Curri, 2004.

<sup>18</sup> *Regional Approach to the countries of South-Eastern Europe: Compliance with the conditions in the Council Conclusions of 29 April 1997 - Commission communication on operational conclusions - Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia, former Yugoslav Republic of Macedonia and Albania*, COM/98/0618 final

<sup>19</sup> *Common Position of 17 May 1999 adopted by the Council on the basis of Article 15 of the Treaty on European Union, concerning a Stability Pact for South-Eastern Europe (345/CFSP)*, Official Journal L 133, 28.5.1999, p. 1–2

<sup>20</sup> Curri, Fatmir and Hajruallahu, Venera. *State of Play and Main Challenges on the Way to the European Membership*, KCSF, 4-6.

<sup>21</sup> Presidency Conclusions, Thessaloniki, 19 and 20 June, 2003.

[http://ue.eu.int/ueDocs/cms\\_Data/docs/pressdata/en/ec/76279.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/ec/76279.pdf)

reconstruction to long-term development in the SAP countries, and only in Kosovo invested 1.5 billion up till 2008.<sup>22</sup> With regard to Kosovo's pending status, in 2002 the EU established a special mechanism for Kosovo called Stabilisation and Association Process Tracking Mechanism (STM). This SAP mechanism, tailored to the complex situation on the ground, ensured that lengthy status settlement would not hold Kosovo back from making progress with the European standards along with its neighbors. Though never explicitly stated, local officials agree there was an expectation that Kosovo would sooner or later become independent<sup>23</sup>.

As a flexible instrument to highlight priority areas, and to specify non-negotiable principles and conditions guiding implementation, European Partnership with Serbia and Montenegro, including Kosovo as defined by the UN Security Council Resolution 1244, was adopted in 2004.

On a 2004 Summit in Slovakia the EU ministers decided to a key step: to divide the accession agenda and keep it separate for Kosovo, due to its international administration<sup>24</sup>. In 2005 the EP was updated with separate priorities for the Union of Serbia and Montenegro and for Kosovo, under the assumption Kosovo would develop a separate plan to address EP priorities under the authority of the United Nations Interim Administration and also submit separate progress Reports<sup>25</sup>. European Partnership Action Plan (EPAP) for Kosovo was first designed in 2005 by the international mission, advocating primarily the public administration reform and protection of the minorities. Following the Independence of Montenegro in June 2006, EU launched a separate European Partnership for Montenegro, adopted in January 2007 by the Council<sup>26</sup>. In 2006, the UN Standards for Kosovo goals were matched to European partnership short term priorities converged into second EPAP for Serbia and Kosovo. Since 2007, the Commission is using a new financial instrument in place of CARDS called Instrument for Pre-Accession Assistance (IPA). A tighter focus of IPA on reform priorities should reflect Serbia's and Kosovo's stage of progress in the transition. The Commission has also proposed revised Accession and European Partnerships that would serve as a key reference in accordance with changing political realities.<sup>27</sup>

As the development framework in Kosovo transitioned from the UNMIK Standards to the mechanisms of European integration, the EU presence in Kosovo was significantly enhanced, in expectation of intensified EU involvement. A small office for European integration within the Prime Minister's office transformed into centralized Agency for European integration (AEI) with much wider scope. Each ministry now has Office for European integration and its director for EI. There are officers dedicated to the EI agenda also in each municipality in accordance with progressive decentralization of governance. The central agency in Pristina is a focal point for all EI efforts and as such has several directories; one that manages STM, a legislative directory for

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<sup>22</sup> Commission of the European Communities, *European Future for Kosovo*, COM (2005) 156, Brussels, 04/20/2005.

<sup>23</sup> Author's interview with an official from Agency for European integration, Pristina, 07/08/2008.

<sup>24</sup> Jezek, Martin, Expert on former Yugoslavia, International section of Mlada Fronta, Author's Interview, Prague, 14 August, 2008.

<sup>25</sup> *Council Decision of 30 January 2006 on the principles, priorities and conditions contained in the European Partnership with Serbia and Montenegro including Kosovo as defined by the UN SC Resolution 1244 of 10 June 1999 and repealing Decision 2004/520/EC, 2006/56/EC*, Official Journal, L 35/32, 7 February, 2006

<sup>26</sup> Legal basis for the Partnership is provided by the Council Decision 2007/49/EC of 22 January 2007 on the principles, priorities and conditions contained in the European Partnership with Montenegro, Official Journal L 20, 27 January 2007. Europa, *Partnerships with the Western Balkans*, <http://europa.eu/scadplus/leg/en/lvb/r18008.htm>, last updated: 4/17/2008.

<sup>27</sup> Communication of the Commission to the European Parliament and the Council, *Enlargement Strategy and Main Challenges 2007- 2008*, Brussels, 6/11/2007, COM (2007) 663 final

translation and approximation of *Acquis communautaire*, a directory for coordination of EU assistance, and a directory for training, communication and information. The European Commission Liaison Office and the Personal Representative of EU High Representative for Common Foreign and Security Policy (CFSP) in Kosovo along with other EU staff maintain active communication with EAR on the ground and with AEI to ensure EU compatibility of the diverse projects undertaken.<sup>28</sup> The AEI submits an interim report to the Commission every three months<sup>29</sup> and of its own accord seeks to identify challenges Kosovo should address even beyond the scope of European Partnership, foreseeing the comments by the EU Commission.

In order to ensure continuous monitoring of the progress and keeping up of the priorities with the current needs, the European Commission presents annual Progress Reports to the European Council. The recommendations by the Council serve as a feedback loop for the local governments and as a basis for the Commission to take decisions when required. In the past few years, Kosovo has strengthened its administrative capacities, particularly in harmonizing diverse development agenda, producing reports and organizing training schemes and forums. The compliance of every law produced in Kosovo since 1999 with the *acquis comunautaire* was checked. Notably, the understanding of the governmental and civil society structures of different aspects of European integration has deepened. This trend is to a lesser extent observable in Serbia, which has also expressed a determination to comply with the European requirements and to advance with European integration as much as possible.

As cases of new EU members like Slovakia show, for a small, initially backward country, this process has meant a powerful leverage to catch up with its neighbors and to exchange its negligible influence in international affairs for a voice in powerful regional institutions. The introduction of the European integration mechanisms has had multiple positive effects in Kosovo. The European Union has been the largest donor in Kosovo. It has invested more per capita than in any other country, around 2 billion dollars up to now.<sup>30</sup> Had the infrastructure, the reform of the key sectors and the capacity of the Provisional Institutions of Self-Government not improved significantly with the institutional and bilateral financial assistance and EU supervision, the Kosovo government would not have been able to declare Kosovo an independent country. Frequent interaction of Kosovo's officials with their EU counterparts provided a starting point for developing diplomacy and precipitated political developments leading towards the independence, since it was clear Kosovo would not enter the EU along with Serbia.

#### **4. Removing the obstacle of unresolved status**

In order for Serbia and Kosovo to end the deadlock and proceed with EI, Kosovo needed to be granted a clear legal status and Pristina endowed with significant political authority and responsibilities over Kosovo. In the beginning, status resolution was not associated as much with progressive European integration as with general stabilization of the region, and eventual conclusion of the period of UN administration. Former SRSG Søren Jessen-Petersen summarized the concern in his resignation speech: “there will be no normalization, no stabilization in the

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<sup>28</sup> Curri, 2004. The Head of EC Liaison Office at the time was Mr. Giorgio Mamberto, and the Personal Representative of Javier Solana was Mr. Fernando Gentilini.

<sup>29</sup> Shala, Sabiha. Head of Office for European Integration, author's interview, Pristina, 07/08/2008.

<sup>30</sup> Based on the figure indicating nearly 2 billion by February 2008, published in “The EU in Kosovo”, Press release of the European Union, February 2008, [www.consilium.europa.eu/kosovo](http://www.consilium.europa.eu/kosovo)

western Balkans, unless the issue of Kosovo is resolved – the last piece of the puzzle taking the region from the conflicts in 1990s to a peaceful and prosperous future.”<sup>31</sup> In February 2006, the Troika of UN, US and EU mediators started negotiation talks in order to identify obstacles to resolving that puzzle, to find middle ground and to hopefully bridge the opposing views of Pristina and Belgrade.<sup>32</sup> A former Finnish president with extensive experience in similarly delicate situations, Marti Ahtisaari, was appointed a Special Envoy of the Secretary General to head the negotiations. Ahtisaari was a trusted figure since he successfully negotiated the withdrawal of Serbian troops from Kosovo in exchange for the end of the NATO bombardment of Serbia in 1999.<sup>33</sup> Through its own means, the EU complemented these efforts. While updating the priorities for Serbia including Kosovo, it declared as the top priority for Serbia to “engage constructively in the further negotiations to find a sustainable solution on the status of Kosovo”<sup>34</sup>. From Kosovo, besides the reverse, the updated European partnership also demanded to “continue to work closely with the planning teams preparing the envisaged international/EU mission in order to be able to fully implement a settlement.”<sup>35</sup>

The negotiations lasted nearly two years, but the two rivals’ contradictory views remained resolute: Serbia determined to hold onto its last province and to keep territorial integrity, Kosovo unified on independence as the only possible outcome. Belgrade did not come up with any concrete proposal, which most likely reflects its strategy to simply perpetuate its power position and extend the Russian veto of independence. Though Serbia has protested that the NATO intervention and separation of Kosovo means breaking the principles of national sovereignty and territorial integrity, the key is social importance of the province to Serbia, rather than geographic. Many Serbs perceive Kosovo as a cradle of their civilization, where their literature, culture and schooling stemmed from and where many Serbs came from.<sup>36</sup> It is a sacred home of the Serb Orthodox religious identity, guarding exceptional cultural heritage in the monasteries in Peć, Decan, Prizren and Gračanica (Annex III). Besides, the territorial integrity has not always been respected by Serbia itself. We can recall the military assault against other Yugoslav republics during the Balkan wars or several shifts in the Kosovo border in the recent years. In 2001, Serbia made a border deal with Macedonia, giving it about 2,000 hectares of land in the mountain region above the Kosovo village of Debellde; and then additionally took parts of both Macedonia and Kosovo for herself. Later, Serbia transferred parts of Kosovo (near Qakorr pass) to Montenegro<sup>37</sup>. Notably, Macedonia discussed the border with Kosovo representatives in April 2008, making a border agreement a pre-condition for it to recognize Kosovo's independence.<sup>38</sup> As will become clearer in the next section, Serbia’s arguments to defend its position have a degree of ambivalence as well as Kosovo’s. Torn between keeping the firm stand and resigning itself to losing the

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<sup>31</sup> UNMIK Press Release 1655, 06/12/05, [www.unmikonline.org/dpi/pressrelease.nsf](http://www.unmikonline.org/dpi/pressrelease.nsf)

<sup>32</sup> For more information, see [http://www.usip.org/events/2006/0502\\_kosovo\\_negotiations.html](http://www.usip.org/events/2006/0502_kosovo_negotiations.html).

<sup>33</sup> Ertel, Manfred, Renate Flottau and Marion Kraske, *Final Status for Kosovo: Negotiations Lean Towards Independence*, Spiegel, 02/20/2006. <http://www.spiegel.de/international/spiegel/0,1518,402188,00.html>

<sup>34</sup> “Proposal for a Council Decision on the principles, priorities and conditions contained in the European Partnership with Serbia including Kosovo as defined by the UN SC Resolution 1244”, COM 660 final, Brussels, 11/06/2007

<sup>35</sup> Ibid, initial capitalization changed by the author.

<sup>36</sup> Rudič, Borislav, “Jak vnímají Srbové samostatnost Kosova”, in radio show, Český Rozhlas 1, Radiožurnál, 02/22/2008.

<sup>37</sup> Frank, Ellen, Education Director, Environmentally Responsible Action group, written interview, Peja, Kosovo, 07/11/2008.

<sup>38</sup> \_\_\_\_\_, “Kosovo, Macedonia discuss disputed border”, EUBusiness, April 01, 2008, <http://www.eubusiness.com/news-eu/1207068799.95/>

province which does not bring many tangible benefits anyway, the Serbian government at some point expressed that it wants for Kosovo “more than autonomy and less than independence.”<sup>39</sup> President Tadic made two conditions clear, that Kosovo would not have its own army or a seat in the UN, but still would not condescend to any realistic compromise proposal.

The Comprehensive Proposal for the Kosovo Status Settlement dated March 27, 2007, aimed to combine precisely such conditions that would ensure Kosovo’s stability, and might appease Serbia by imposing specific legal, human rights and sociopolitical requirements for Kosovo endorsed by the EU and the wider international community. The Settlement Proposal envisioned a 120-day transition period, during which Kosovo Assembly would adopt all the legislation necessary to implement the settlement. The UNMIK mandate in this period was to remain unchanged, and the ICR had the authority to supervise the settlement implementation process, to consult the Assembly and to make recommendations to UNMIK on actions necessary to oversee a successful implementation of the Settlement. While the Proposal did not prescribe a complete Constitution, it delineated key elements of the Constitution. Some of the key constitutional provisions are that

- Kosovo is a multi-ethnic society based upon the equality of all its citizens;
- Kosovo has no official religion and is neutral on question of religious beliefs;
- Kosovo will have its own, distinct, flag, seal and anthem, which must reflect the multi-ethnic character of Kosovo;
- The official languages of Kosovo will be Albanian and Serbian;
- Non-majority communities will be represented in the Assembly through a system of guaranteed/reserved seats.<sup>40</sup>

The EU Foreign Affairs Committee expressed support for the Ahtisaari’s Proposal, which instigated division between EU member states already during the status talks; Greece, Romania, Cyprus, Spain, Slovakia and Poland showed reservations towards the proposal.<sup>41</sup>

An independent report that was debated in the European Parliament<sup>42</sup> summarized the state of affairs in regard to Kosovo and recommended independence with specific stipulations that overlap with those laid out in the Proposal:

- i. Limited sovereignty under an international oversight in Kosovo, with a clear definition of its role and mandate;
- ii. Clear provisions on decentralisation which grant substantial autonomy in key areas;
- iii. Full respect for human rights and institutional arrangements for Mitrovica guaranteeing rights and security for the Serb community;
- iv. Retention of Kosovo's multi-ethnic character, with protection for cultural and religious sites
- v. the establishment of a limited, internal, multi-ethnic Kosovar Security Force;
- vi. International guarantees for the territorial integrity of all neighboring states.<sup>43</sup>

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<sup>39</sup> Ertel, Manfred Renate Flottau and Marion Kraske. *Negotiations lean towards independence*, Der Spiegel, 02/20/2006. <http://www.spiegel.de/international/spiegel/0,1518,402188,00.html>

<sup>40</sup> Constitutional Provisions, Comprehensive Proposal Summary, 02/07/2007.

<sup>41</sup> \_\_\_\_\_, “Council urges Serbia to co-operate on Kosovo”, 02/13/2007, last updated on 02/21/2007. <http://www.euractiv.com/en/enlargement/council-urges-serbia-operate-kosovo/article-161629>

<sup>42</sup> Lagendijk, Joost, Draft report on the future of Kosovo and the role of the EU, Committee on Foreign Affairs, 01/22/2007.

<sup>43</sup> Lagendijk and summary of the recording “Vote on the Future of Kosovo”, Eiropas Parlaments, 03/29/2007, [http://www.europarl.europa.eu/eplive/expert/shotlist\\_page/20070329SHL04895/default\\_iv.htm](http://www.europarl.europa.eu/eplive/expert/shotlist_page/20070329SHL04895/default_iv.htm)

This would be underlined by the European Union speaking in one voice. Therefore, the report calls for “the Council of Ministers to adopt a common position on the status issue spelling out minimum requirements of a sustainable, EU-compatible solution for Kosovo.”<sup>44</sup> Unfortunately, this essential presupposition failed, even though all postulations except for the last two have been included, and the training of Kosovo Police Force by KFOR is currently in progress.

The full implementation of the Ahtisaari plan was jeopardized by Serbia opting out while Albanians voted to adopt it, some of them understanding the step as the price for independence. It was the way forward, even though it was not rewarded by external independence that would be accepted by the UN (that is, being accepted by Russia and Serbia), as the Albanians had hoped. According to the Settlement Proposal, UNMIK’s mandate was supposed to expire in the end of the transition period and all its legislative and executive authority was to be “transferred en bloc to the authorities of Kosovo”<sup>45</sup>, but that was prevented by Russia’s and Serbia’s vehement opposition. When the Kosovar attempt to please the internationals and appease Serbia by adopting concessions for minorities and welcoming international presence etc., was not paid back by the same measure (no UN resolution was passed and Serbia did not recognize Kosovo), the public started to question its utility.<sup>46</sup> Albanians realized that the process leading up to statehood is cumbersome, but that declaring independence is only a partial success and its implementation is even lengthier.<sup>47</sup> Skeptics warned against implementing the Ahtisaari Plan without the compromise of the other party, suggesting that Kosovo could condition adaptation of the plan by Serbia’s recognition and/or slackening the effort to obstruct various aspects of Kosovo’s internal and foreign relations.

The Kosovo Prime Minister Thaci, who took office in January pledging he would lead Kosovo to independence, met EU officials the same month in Brussels to decide on a Coordinated Declaration of Independence. He was going to demand a joint US and EU recognition, but Kosovo did not have diplomatic leverage to secure consent in the European council or change the position of the reluctant EU members. Meanwhile, the major Western powers were waiting for the outcome of a February 3 run-off for the Serbian president and instructed Kosovo government to wait till late February or March.<sup>48</sup>

On February 17, 2008, the Kosovo assembly democratically passed a resolution, which declares Kosovo to be independent. Media worldwide reported how the Kosovo Albanians celebrated, but it was hardly known that the Bosniak, Egyptian, Turkish and other minorities too embraced the statehood of Kosovo in the aftermath of independence. Unlike the Albanians, who could not easily identify with the new state symbols<sup>49</sup> that are a result of an internationally acceptable compromise rather than expressions of the people’s identity, these peoples within Kosovo have welcomed the new flag in EU colors or the new national anthem called Europa. The Western pressure to adopt inoffensive state symbols may have stemmed from what worked previously in Bosnia, which has

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<sup>44</sup> Lagendijk, Joost, Draft report on the future of Kosovo and the role of the EU, Committee on Foreign Affairs, 01/22/07, Article 10.

<sup>45</sup> Executive Summary, 02/07/07.

<sup>46</sup> Kurti, Albin, Vetevendosje leader, author’s interview, Pristina, 06/25/2008.

<sup>47</sup> Eli Gashi, *Return to a “newborn” state*, 16/04/2008, <http://eligashi.blogspot.com/2008/04/returning-to-newborn-state-in-august.html>

<sup>48</sup> Robinson, Matt “Kosovo’s Thaci seeks independence timetable at EU”, Reuters, Pristina, January 22, 2008.

<sup>49</sup> The red and black flag with Albanian eagle has waved over the graves of the fallen in the war and has been adopted as a universal expression of the national sentiment and the struggle for independence.

also had to forge its national identity while being an international protectorate. The six white stars on the light blue flag are allegedly supposed to represent the Serb, Bosniak, Turkish, Gorani, Roma/Ashkali and Egyptian minorities, while the yellow outline of Kosovo figuring under them to signal territorial uniqueness. The anthem does not have lyrics in order not to preference any of the groups in the multi-ethnic state. The Declaration was a confidence booster as it apparently opens the door to next steps of nation building: making a comprehensive assessment about the readiness of the Republic of Kosovo for the accession process in form of Feasibility report, a contractual bond of SAA, or membership in international institutions preceding the EU, but enabling the presence of Kosovo on the international stage. The process prior to the declaration and affirming the promises by the Kosovo government was essential, because an isolated declaration could not have the same effect. Consequently, all 41 laws based on the Comprehensive Proposal were adopted as one of the internationally agreed conditions of independence, with the oversight of International Civilian Representative as the highest authority to interpret civilian aspects of the Proposal<sup>50</sup>. Kosovo intelligence is in agreement with most of the international community that Kosovo was right to adopt the Ahtisaari plan as a sign of good will and guarantee of compliance with democratic standards before proceeding to adopt a state constitution. Specifically, the Declaration of Independence stipulates, “*We invite and welcome an international civilian presence to supervise our implementation of the Ahtisaari Plan, and a European Union-led rule of law mission.*”<sup>51</sup>

Most of the Proposal found its imprint in the Constitution of the Republic of Kosovo, democratically passed by a 2/3 majority of the Kosovo Assembly on June 12. Along with the Organization for Security and Cooperation in Europe (OSCE), the EU monitored the constitution writing through ICR, and provided expert advice on the highest democratic standards by incorporating lessons from other European state constitutions and including specific provisions for a multi-ethnic state. There is no precedent to the Ahtisaari plan in the scale of the rights that have been awarded to the minorities, especially one minority (the Serbs), in the world<sup>52</sup>. Despite this, ethnic Kosovo Serbs continue to oppose Kosovo’s independence and, backed by Belgrade, refuse to acknowledge it. In order to avoid over-simplification, we need to note an important difference between the attitude of the disputed North, which will be discussed later, and the Serbs living in mostly rural areas in the south. Precise Kosovo population census information will be available next year, but at least half of Kosovo's Serbs live in the south of Kosovo near Strepca or in the east municipalities around Novo Brdo, and these communities have somewhat adjusted to the changing political climate and Pristina as the centre of governance. Historically, they have not received the aid from Belgrade through the ministry for Kosovo that the North enjoys, so they have been dependent on Pristina for a long time. The chairwoman of Serb National Council of Central Kosovo, Rada Trajkovic, pragmatically commented: “Serbs may never accept Kosovo’s independence, but they will have to recognize the law.”<sup>53</sup> The constitution mandates Kosovo Serbs must obtain new IDs, passports, drivers’ licenses, and license plates. Failing to adopt those provisions could lead to complete isolation, so the Serbs will have to adjust to new realities.

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<sup>50</sup> *Constitution of the Republic of Kosovo*, article 147, April 7, 2008, available at <http://www.kushtetutakosoves.info/?cid=2,1>

<sup>51</sup> Government Assembly of the Republic of Kosovo, *Declaration of Independence*, Pristina, February 17, 2008.

<sup>52</sup> Zogiani, Avni, COHU anti-corruption organization, author’s interview, Pristina, 06/30/2008.

<sup>53</sup> Judah, Tim, Kosova Post, Pristina, June 28, 2008.

## 5. Recognition process and EU Policy

The reaction of the EU to the Declaration of Independence could have been determinant of the post-independence events, had it been prominent like the United States position; however it dissipated in the three-fold responses of the international community to Independence. Kosovo got a preliminary promise of recognition from the United States, France, Germany and other powerful players, so a group of countries consisting mainly of Western powers recognized Kosovo within a few days. The EU allegiance might have crystallized along these lines: a group of the member states that are US allies and were involved in Kosovo from early on shared the opinion that independence was inevitable. The rest has decided to either support this clear vision, or to pursue the uncertain path of Kosovo remaining an international protectorate. Notably, after the initial wave of recognition from Kosovo's allies, the progress with gaining wider recognition on the international scene has considerably slowed down. A chunk of Asia, Latin America and Africa have waited to see how Kosovo's plight would be received and what implications the recognition might have for their constituents. A third group has clearly defined its stance in opposition to the political program of Kosovo, and with Russia vetoing Ahtisaari plan in the Security Council effectively continues to undermine any major progress in the matter. In the end, ethnically divided Cyprus was the most strongly opposed, but Greece, Spain, Slovakia, and Romania all expressed concern about the possible repercussions for separatist movements elsewhere, and worried about their own break-away minority groups would not recognize Kosovo<sup>54</sup>.

Majority of the international community agrees that Kosovo is a *sui generis* case that does not constitute a precedent for any other case. The EU affirmed this at Brussels European Council on External Relations in December 2007.<sup>55</sup> In sum, there are three main reasons for this. Firstly, separation of Kosovo from Serbia can be considered the last step of the disintegration of Yugoslav Federation, starting with Slovenia in 1992 and most recently resulting in the independence of Montenegro in 2004. The constitution of 1974 determines Kosovo as an autonomous province of Yugoslavia, and not a part of Serbia. Though Kosovo was *de jure* a province of Yugoslavia, it *de facto* functioned as a republic; it was represented in the parliament and had considerable level of autonomy including its own government and rights such as veto in the parliament.<sup>56</sup> The second, demographic reason is related to that, taking into account that the population of Kosovo is 95% Albanian, represents after decades of self-evolution a unique culture and stands firmly against Serbian rule.<sup>57</sup> This is particularly important in comparison to debate surrounding the creation of Bosnia and Herzegovina with population comprised of three distinct ethnics that have periodically spoken against a centralized state or demanded independence. Thirdly, human rights violations present the gravest reason. Under extreme circumstances, inability of the state to provide equal services to all the citizens qualifies the minority to seek self-determination<sup>58</sup>. The international community could not turn a blind eye on documented ethnic cleansing that was accelerated during the NATO intervention and in design amounted to genocide<sup>59</sup>. The Albanians were systematically

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<sup>54</sup> Jezek, author's interview, and BBC News Europe, <http://news.bbc.co.uk/2/hi/europe>.

<sup>55</sup> See [http://europa-eu-un.org/articles/en/article\\_7627\\_en.htm](http://europa-eu-un.org/articles/en/article_7627_en.htm)

<sup>56</sup> Aliu, Fatmir, Koha Ditore, author's interview, Pristina, 06/24/2008.

<sup>57</sup> Kazlas, Juozas, UNMIK Deputy Regional Representative, author's interview, Mitrovica, 07/03/2008.

<sup>58</sup> Kupchan, Charles A. ed., *Nationalism and Nationalities in the New Europe*, Ithaca: Cornell University Press, 1995, and an interview with a UNDP official, Pristina, June 08.

<sup>59</sup> Deda, Ilir, KIPRED Think Tank, Head of special research projects, Author's interview, 07/01/2008.

uprooted from their homes and rid of their identity; their documents were burned or confiscated, so that when Kosovo Albanians would be free to return, they could not prove to the Serbs their origin.

Conversely, Serbia postulates that Kosovo independence is against international law as codified in the Helsinki Accords, Dayton Accords and the Charter of the United Nations<sup>60</sup>. The Dayton Accords indeed failed to address the issue of Kosovo and Metohija, since they focused on the territorial integrity of Bosnia and left Slobodan Milosevic in power for another 5 years. The UN Charter is a universal compendium of international law, based on Westphalian principles of sovereignty of nation-states, and guarantees the territorial integrity of states.<sup>61</sup> Since 1945, there were numerous attempts to establish new nation-states based on different culture, history and religion of subordinate ethno-demographic groups, but hardly any small entity managed to declare independence next to its more powerful neighbor without a prolonged conflict. Take for instance Lebanon and Syria, Israel and Palestine, or Ireland and England. Therefore, in the dispute over Kosovo, the EU stand is a key. The EU is a powerful and respected organization with evolving foreign policy, so it can supersede the Westphalian principles by creating a modern case of a state tied to its values. In reality, the argument that Kosovo independence breaks norms of territorial integrity and constitutes a precedent for other minority movements in effectively prevented EU unified stand. Even if leading politicians in Romania or Slovakia may not see a repetition of Kosovo's self-initiated independence in their context as very realistic, they cannot ignore the plight of the Hungarian minority and reasonably fear a public uproar that their official recognition of Kosovo could cause.

As the war of 1999 and NATO's intervention suggested the need for re-affirmation or re-evaluation of the law of humanitarian intervention<sup>62</sup>, Kosovo's independence may suggest a re-evaluation of the international law in respect to national sovereignty and the principle of self-determination. Many contemporary interpretations of the law in place to protect sovereignty do not hold the principle of territorial integrity higher on the scale of values of contemporary international community than self-determination or human rights.<sup>63</sup> The international law evolves with the international system and is often coined *post factum*<sup>64</sup>. Since the 1990s, the creation of numerous new states, namely post-Soviet and former Yugoslav – Estonia, Latvia, Lithuania, Azerbaijan, former Soviet republics in Central Asia and Slovenia, Croatia, and Montenegro – was accepted as a consequence of disintegration of former autocratic federation structures. There is no universal say on whether a political event is or is not a precedent, only time can show whether it will be used as one. If other break-away groups proclaim Kosovo's Independence is a precedent and act on it, it will constitute a precedent, no matter what the political authorities claim.

Spain experienced an interesting case: recognizing of Kosovo in face of the danger that the autonomous provinces Basque country and Catalonia may follow its path could have cost the Prime Minister Zapatero his post. The Basque-based terrorist organization ETA has repeatedly

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<sup>60</sup> \_\_\_\_\_, "President Tadic's Address before UN Security Council", New York, June 20, 2008, <http://www.serbianembassy.org.uk/eng/kosovoNews.php?pageID=1> updated June 27, 2008.

<sup>61</sup> Trbovich, Ana S., *A Legal Geography of Yugoslavia's Disintegration*, New York: Oxford University Press, 2008: 330-335.

<sup>62</sup> See Henkin, Louis, "Kosovo and the Law of 'Humanitarian Intervention' ", *The American Journal of International Law*, Vol. 93, No. 4 (Oct., 1999), pp. 824-828, American Society of International Law: 1999.

<sup>63</sup> Henkin, "Law of Humanitarian Intervention", 824.

<sup>64</sup> Plesinger, Jan, Deputy Head of the Czech Liaison Office, author's interview, Pristina, 07/09/08.

threatened Spanish integrity by demanding independence, but with sympathy for Kosovo's cause, Basque and Catalonia leaders wrote a letter to assure the Prime Minister that Kosovo can in no way be compared to their situations.<sup>65</sup> It is expected that Romania and Spain will recognize Kosovo by the end of 2008, which will precipitate a shift in Latin America in favor of Kosovo. After all, the situation for minorities in the EU states is different than for minority regions outside the EU, because their socio-political conditions in the EU are stabilized through specific provisions such as autonomy for regional governments, constitutional terms allowing for use of different languages, national social safety nets and European assistance. Some of these became an integral part of pre-accession conditions in the 2004 and 2007 rounds of enlargement. Moreover, minorities in the EU have a pan-European identity as an alternative to the national one; they are not simply minority citizens of the state where they reside, but also members of the European community (often along with their compatriots in other states). Conversely, ethno-nationalist identity of minorities in the regions outside of the EU can be exacerbated by pressing economic needs and lack of empowerment.

There are multiple additional reasons for the stagnation of the recognition process of Kosovo. Principally, no resolution from an institutional authority, i.e. the UN or the EU, determined the policy that should be taken. Lack of uniform position in the EU slowed down the recognition process in Europe. Secondly, hesitation can be attributed to the lack of diplomatic relations and persuasive measures from the Kosovo government. Otherwise the reasons for opposition can be grouped around three basic premises: Serbia's opposition to Kosovo's independence, general anti-American sentiment and individual reasons of different countries<sup>66</sup>. The anti-Americanism affecting approach toward Kosovo is most notable in the Islamic countries in the near East. Seeing the American flag behind each important public statement of Kosovo or UNMIK politicians, most recently the proclamation of the new constitution makes the Middle East political elite reserved and one diplomatic trip by the Minister for Foreign Affairs done so far cannot change that<sup>67</sup>.

The EU's policy towards Kosovo was spelled out in the Council Conclusions on February 18: "Members states will decide, in accordance with national practice and international law, on relations with Kosovo."<sup>68</sup> The way we can read this is that notwithstanding the EU attempt at presenting outward picture of common foreign policy, EU has not arrived to the point when this would be possible due to prevailing political traditions and socio-political differences, and lack of understanding by citizens of what is good governance on supranational level, "for Europe". This confirms the European integration theory of '*intergovernmentalism*', whereby EU policy is driven by the national interests of the member states and not by a neo-functionalist premise of an institution responding to the interaction requirements of its dependants according to its universal mandate.<sup>69</sup> All in all, the EU foregoes efficiency and authority it could attain by providing a model political approach when it keeps continually adjusting to the realities on the ground.

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<sup>65</sup> Deda, 2008.

<sup>66</sup> Head of Governance and Programmes official, UNDP, author's interview, 06/26/2008.

<sup>67</sup> Office of the Prime Minister of Kosovo, author's interview, Pristina. June 09, 08.

<sup>68</sup> Council Conclusions, 2851<sup>st</sup> External Relations Council meeting, Brussels 02/18/08,

<sup>69</sup> Nelsen, Brent F. and Alexander Stubb (Eds.) *The European Union: Readings on the Theory and Practice of European Integration*, Boulder: Lynne Rienner Publishers, 2004, 217.

Previously, in case of a divided, but developed Cyprus, the European Commission demonstrated willingness to accommodate the terms of the settlement in accordance with the principles the EU is founded upon. The Accession Treaty included a specific protocol, which foresaw that in the absence of a settlement, the application of the *acquis* to the northern part of the island would be suspended until another Council decision. The application of economic incentives to bring the North Turkish Cypriots closer to Europe and establishing a Green line improved communication yet brought no stable solution of the socio-political issues between the Turks and the Greek Cypriots in the South<sup>70</sup>. Macedonia, on the other hand, exemplifies successful forging of new identity and emancipation from bigger Bulgaria, so no EU state objected to offering her SAA. For this reason, we can expect the EU will not admit another state with a territorial inter-ethnic conflict into its community.

Stanley Crossick criticizes the EU for its irresolute policy on Russia, which has been Serbia's ally for a long time. Even now that it has a democratic government, Serbia is an outpost of Russian power, and draws from Russia's position at the Security Council. In that sense, Kosovo has been a chessboard for major powers, where values and policies of Cold War adversaries clash: Russian territorialism and fraternal patronization of Serbia and American-led NATO airstrike mission to defend minority rights, supported by subsequent humanitarian aid and democratization. The EU should have stated emphatically that it does not consider Kosovo a precedent for any break-away province in Russia and that it would under no circumstances recognize one.<sup>71</sup> In case of Georgia, Russia showed it was not going to be ignored as in the case of Kosovo or the promise of the NATO membership to Ukraine or Georgia. Russia deliberately responded by taking Kosovo as precedent for championing "independence" of South Ossetia and Abkhazia under its auspices, making Russian passports available to the Russian speaking population that has had historically strong ties with Soviet Union.<sup>72</sup> In August, Russia dearly punished Georgia for invading South Ossetia. In parallel to Serbia, Georgia for its part showed by the surprise attack on South Ossetia that the importance of territorial integrity can outweigh keeping pro-Western orientation and common sense balance of power.

Undecided states may have had its individual reasons for not recognizing Republic of Kosovo, but having traditionally stronger ties with Serbs than Albanians is understandably a reason for postponing the recognition by a considerable group. Serbian political leadership could not put up with losing Kosovo, and Serbia accordingly made use of all possible channels to make it clear. Belgrade has used primarily three means to support its position: the argument that recognizing Kosovo is against international law and it will encourage independence movements in other multi-ethnic states, the claim for the Eastern orthodox heritage on the territory and its economic power in the region. Since the beginning of the status negotiations, Serbian strategy has been to prolong the status quo as much as possible, while internationally lobbying against recognitions. The effect of Serbia's economic links as well as religious affiliation has been most palpable with Greece, Macedonia and Romania. The religious affiliation of Serbia with other predominantly Christian Orthodox societies played an indirect role, although it is hard to estimate how important it was in face of the political realities. Even in the three cases mentioned above, not granting a timely

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<sup>70</sup> For more information, see the official website for Enlargement:

[http://ec.europa.eu/enlargement/archives/enlargement\\_process/past\\_enlargements/eu10/cyprus\\_en.htm](http://ec.europa.eu/enlargement/archives/enlargement_process/past_enlargements/eu10/cyprus_en.htm)

<sup>71</sup> Stanley Crossick in "Kosovo: An EU foreign policy success or failure?"<sup>71</sup>, EurActiv.com, 02/27/08

<sup>72</sup> Jezek, author's interview, 2008.

recognition to Kosovo is likely due to a preoccupation of their own minorities arguing for self-determination, not a consequence of sympathy with the Eastern Orthodox Church or aversion to admitting a new predominantly secular Muslim state in the Balkan region. Both Macedonia and Greece were eventually pressed to recognize the political reality of Kosovo and to accept new Kosovo passports.<sup>73</sup> Moreover, in order to uphold the Common Foreign and Security Policy, the EU members withholding recognition still support the EU and NATO presence in Kosovo; they just do not explicitly endorse independence. On a visit to Albania Foreign Minister of Romania, Lazar Comanescu, explained that “Romania will strongly support Kosovo’s aspirations to integrate in the European family.” He assured this did not equal supporting an independent Kosovo: “Our stance on the issue of independence is well known. However, if you review the communiqué from the recent European Council meeting, we have clearly supportive position regarding the agreement of UNMIK and EU to deploy the EULEX mission.”<sup>74</sup>

The EU post-independence presence in Kosovo has three components: a reform driving entity in European Commission liaison office continuing to support all the European integration mechanisms, a political entity in European Union Special Representative (EUSR) and operational entity in the Rule of Law mission called EULEX. In December 2007, the European Council agreed to Joint actions, which legitimized the ESDP<sup>75</sup> police, rule of law mission and the creation of the office of International Civilian Office (ICO) and EU Special Representative. This office led by a Dutch diplomat Pieter Feith, double-hatted as International Civilian Representative (ICR) and EUSR should have the following functions:

- Supervise the implementation of the status proposal
- Ensure all provisions implemented by Kosovo government improve the human rights and minority rights
- Advise in the process of decentralization
- As EUSR, represent the EU policy, and advise on the process of the European integration

Since one of the potential pitfalls of conditionality would be to create the appropriate framework for the rule of law and economic reforms, and then slack on realization of the goals, the EU had to create a mechanism that would enable monitoring completion of the Ahtisaari plan. The EU agreed to a mission of 1800 staff to supervise the transition period and prepared ground for its presence through the EU Planning Team. As the international Military Presence, KFOR remains in Kosovo “to provide a safe and secure environment, in conjunction with the ICR and in support of Kosovo institutions until such time as those institutions are capable of assuming responsibility for Kosovo’s security.”<sup>76</sup>

When Russia did not endorse EU post-status supervision, Secretary General Ban-Ki Moon suggested a re-configuration whereby the EU would function under the UN umbrella in “a *modus vivendi* that is acceptable to the parties and would be supported by the key international

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<sup>73</sup> \_\_\_\_\_, “Greece recognizes the passports of the Republic of Kosova”, Kosova Press, Pristina, 09/19/08, <http://www.kosovapress.com/ks/index.php?cid=2,2,54062>. “New Kosovo Passport-Holders in Macedonia”, Balkan Insight, 07 /31/08, <http://www.balkaninsight.com/en/main/news/12194/>

<sup>74</sup> \_\_\_\_\_, “Dutch to open embassy, Romania backs Ban plan and Banglades ponders recognition”, Kosova Post, 07/07/08.

<sup>75</sup> European Security and Defense Policy.

<sup>76</sup> \_\_\_\_\_, “The International Presence”, Factsheet ICR-ESDP, 01/16/2007.

stakeholders.”<sup>77</sup> He spelled out his position in letters to President of Serbia Tadic, and Fatmir Sejdiu, whom he carefully called “Excellency” and not President. To Sejdiu, he suggested UNMIK would remain stationed, due to independence having operational implications for UNMIK, which require it adjusts to changes on the ground. In principle, he agreed that the EU should assume an enhanced role in Kosovo, in accordance with UN resolution 1244. The situation on the ground continues to be confusing; it has to be resolved how EULEX (which Serbia rejects as illegal presents on the territory<sup>78</sup>) can function under the UN umbrella, but be *de facto* in charge. To Belgrade, Ban-Ki Moon wrote these are “temporary arrangements that would apply for a limited duration and without prejudice to the status of Kosovo.”<sup>79</sup> British analyst Tim Judah suggests that Ban appears to be dancing between eggs to “reach a situation in which Serbian leaders can claim Kosovo is (...) still a part of Serbia, while Albanian leaders can claim the opposite and pretend that all of Kosovo is under their control.” Serb officials have said they expect to be given extensive rights to administer the Serb-dominated north of Kosovo as part of the UNMIK reconfiguration, in what some analysts fear could be the first step toward a *de facto* partition. Tadic did not buy an attempt to bypass the SC and protested that ‘Reconfiguration’ must be decided by the Security Council, “the only institution endowed with the power to legitimate changes in the composition of the international presence in Kosovo.”<sup>80</sup>

The current power structure is vaguely reminiscent of Bosnia after the Dayton accords. The constitution instituted a President for each of the two entities of Bosnia and Herzegovina, while all three ethnic groups, Bosniac Muslims, Bosniak Croats and Serbs were each represented in Joint Presidency by a President. On top of that, all of these five ‘Presidents’ could be overruled by the international High Commissioner, who was the final authority regarding the interpretation of civilian implementation of the Agreement for the peace settlement.<sup>81</sup> Similarly, the post-independence power vacuum in Kosovo with overlapping authorities and unclear mandates has made any mobilization difficult, and it depends on the particular point of view whether the EUSR Pieter Feith, the Head of the EULEX mission Yves de Kermabon, the new SRSB Lamberto Zannier, or President Fatmir Sejdiu is endowed supreme authority.

While political and legalistic backing of international supervision in Kosovo was being disputed, European Commission organized a donor conference on July 11, to allow for the specification and channeling of the financial support promised.<sup>82</sup> The six countries that had not recognized Kosovo<sup>83</sup> participated in the Brussels conference with observer status, and did not take part in the financial pledge. The total pledge of 1.2 billion Euros to Kosovo’s socioeconomic development marked a success of this non-traditional method of aiding national development plans. Despite the signs of enlargement fatigue in Western Europe, the EU showed its commitment to Kosovo by donating

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<sup>77</sup> \_\_\_\_\_, Serbia rejects UN proposal on Kosovo, OneNews, June 16, <http://tvnz.co.nz/view/page/1318360/1847925>

<sup>78</sup> Jatras, Jim, “Kosovo status remains unclear”, EurActiv.com, April 24, 2008

<sup>79</sup> Judah, Tim, “Ban’s Kosovo Conjuring Trick”, Pristina Insight, June 14, 2008

<sup>80</sup> Ibid, referring to paragraphs 5 and 19 of Resolution 1244.

<sup>81</sup> Trbovich, Ana S., *A Legal Geography of Yugoslavia’s Disintegration*, “Changing Borders by Force”, New York: Oxford University Press, 2008: 321.

<sup>82</sup> Koha-ditore daily, Pristina, July 12, 2008.

<sup>83</sup> See [www.kosovothanksyou.com](http://www.kosovothanksyou.com)

508 million Euros, while other European and international donors contributed the rest.<sup>84</sup> In respect to concerns about absorption capacity and corruption, Pierre Mirrel, Director for the Western Balkans in the enlargement section of the European Commission, listed three financial delivery modes:

- 1) Through agreed budget support (funds are sent directly to the government, there are conditions attached, some institutional by the EU and some bilateral by donor countries)
- 2) By continuing and enhancing Pre-accession programmes on project-support basis
- 3) Through a trust fund, launched by the World Bank first week of July and welcomed by donors.<sup>85</sup>

A major part of these funds will be used to improve Kosovo's infrastructure to connect it with the rest of the region, and to modernize education system for Kosovo's young population, and a part to back the EU mission goals: to assist the Kosovo government with consolidating democracy and upholding the rule of law.

## **6. Limitations of conditionality towards Serbia**

The EU was unable to subject Serbia to diplomatic pressure in regards to Kosovo status, but on the other hand elicited internal changes to a pro-democratic and pro-European Serb government. This supports a premise that sustained reforms require a convergence of certain factors in the candidate and pre-candidate countries. Firstly, the presence of reformist parties alternating in power provides a lively climate to push for change and secondly "a broad consensus among the political, economic and social elites and citizens as to the necessity of EU-guided democratization and marketisation"<sup>86</sup> is paramount to passing the reforms. The interim agreement signed on February 7, just after President Tadic was elected, features various incentives for the democratic leadership to instigate positive trends: assistance in strengthening the rule of law, the enhancement of EU-Serbia political dialogue, cooperation with Serbia in establishing a market economy, the introduction of free trade between the EU and Serbia, and educational opportunities for greater number of Serbian students to enroll at universities in the EU Member States through the Erasmus program.<sup>87</sup>

The EU has categorically demanded a hand-over of the war criminals to the International Crime Tribunal for Yugoslavia (ICTY). As Kosovo issue was at a stalemate, European integration has adopted the ICTY cooperation as a cornerstone of its conditionality toward Serbia, while offering generous financial support and other advantages if Serbia complies. Instead of embedding this requirement in the package of conditions within the integration framework, the EU ascribed it higher importance as a way to redeem injustice, to which the Western media contributed by creating "evil figures," blaming all the deaths and misery on a few individual commanders and not a pathology of a whole political system. The North Atlantic Treaty Organization (NATO) also

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<sup>84</sup> The international donors include Switzerland, Norway, Japan, Canada, Kuwait, Saudi Arabia and Turkey. Singh, Tejinder. "EU shows unity, Thaci gets another dole of billions for Kosovo," New Europe, July 14, 2008, Neueurope.com.

<sup>85</sup> Singh, 2008.

<sup>86</sup> Anastasakis and Bechev, "EU conditionality."

<sup>87</sup> Slovenian Presidency of the EU 2008, "EU Offers Serbia an interim agreement", January 28, 2008 [http://www.eu2008.si/en/News\\_and\\_Documents/Press\\_Releases/January/0128GAERC\\_Srbija.html](http://www.eu2008.si/en/News_and_Documents/Press_Releases/January/0128GAERC_Srbija.html)

encouraged the European Union to begin cooperation talks with Serbia to strengthen the position of the progressive camp before the next parliamentary elections.<sup>88</sup>

Both the EU and NATO have also set regional cooperation as a pre-condition for their membership. Euro-Atlantic integration is a joint Western Policy to ensure stabilization and institute guarantees for security and human rights<sup>89</sup>. NATO uses conditionality to similar purposes as the EU, although with lesser leverage. In 2006, NATO offered Serbia, Bosnia and Herzegovina a Partnership for Peace that could lead to eventual membership in the Alliance. Taking the step to forge closer ties with Serbia was surprising, because it is contrary to earlier policy that the war criminals at large would have to be handed over to the Hague Tribunal first. This chance goes hand in hand with the EU expansion to the East, in hopes that an enhanced partnership would ease the transition in the region. NATO probably intended to minimize the danger of Serbia taking an isolationist path once Serbia's neighbors, Bulgaria and Romania, join the European Union.

The EU seems to have recently put aside its policy of carrots and sticks towards Serbia to address the remaining problems in relation to Kosovo, and it has embarked on friendly rhetoric with Serbia, while it tackles organizational re-structuring in Kosovo. At the moment, the issue for the EU is no longer Serbia rejecting Kosovo's independence, but its six remaining member states, which need time and political determination to take a step towards recognizing the break-away state. In the meanwhile, European Council has opted to reward President Boris Tadic's pro-European program by signing a key pre-membership Stabilisation and Association Agreement with Belgrade and promising visa facilitation<sup>90</sup>. Interestingly, the early elections were prompted by the former Prime Minister Vojislav Kostunica, who hoped to gain significant support with his Radical Party and form a nationalist government. The message of his election campaign was simply "Kosovo is Serbia." Moreover, he indicated that this government would annul the SAA. This particular, exclusivist breed of nationalism could perpetuate state fragmentation and distrust toward European efforts as well as inter-ethnic hostility.<sup>91</sup> Kostunica's Party lost in the elections, but at the same time advanced its nationalist appeal in the Serb-dominated Kosovo North.

Kostunica has been the beacon of old regime Serb nationalism. With the fall of his star, Serbia will no longer play the game of blaming those "who betrayed the national interests"<sup>92</sup>, and perhaps will eventually be able to confront the corrosive influence on the social stability and ethical values of the excessive nationalism itself. Leaders in totalitarian regimes have to make up for the legitimacy democratically elected politicians, such as those that have arisen in opposition to the past, enjoy. They can "turn to claims of ethnic superiority and right to dominate others to consolidate their domestic position."<sup>93</sup> Moreover, political elites may support nationalistic appeals and dualist approach towards different communities to divert attention from domestic problems. Military

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<sup>88</sup> Dempsey, Judy, "NATO to offer Serbia partnership", International Herald Tribune, 10/29/2006  
<http://www.iht.com/articles/2006/11/29/news/nato.php>

<sup>89</sup> Trbovich, *Legal Geography of Yugoslavia's Disintegration*, p. 366.

<sup>90</sup> \_\_\_\_\_, "New Serbian government wants both EU and Kosovo", EurActiv, 07/08/2008

<http://www.euractiv.com/en/enlargement/new-serbian-government-wants-eu-kosovo/article-174013>

<sup>91</sup> Caplan, Richard, *International Governance of War-Torn Territories*, Oxford University Press, New York: 2005. Pp. 86-108.

<sup>92</sup> Zizek, Slavoj "The morning after", Eurozine, 03/27/01. <http://www.eurozine.com/articles/2001-03-27-zizek-en.html>

<sup>93</sup> Kupchan, Charles A. ed. *Nationalism and Nationalities in the New Europe*. Ithaca, Cornell University Press, 1995.

prominence of certain figures in the regime can help to generate or revive nationalistic myths and exaggerate external threats to rally public support.

Although Kostunica is a follower of Slobodan Milosevic's nationalist rhetoric, there is now speculation that the late Milosevic knew Serbia had lost Kosovo as NATO drove his troops out in 1999. Russian envoy Viktor Chernomyrdin knew the reaction of Milosevic to the Serbian withdrawal, because he was involved in negotiating the terms of Serbia's surrender in 1999. After the Serbian president died in 2006, Chernomyrdin reported on a long, private conversation from 1999. According to him, Milosevic predicted that Serbia would lose the province; Kosovo Serbs would leave and "Kosovo would get its own Albanian parliament, leadership and political system"<sup>94</sup>. If indeed he predicted this, it seems Milosevic had a remarkable understanding of the political power game, and it confirms that no living Serb politician could admit publicly to losing Kosovo.

Despite the lack of progress on Kosovo question, the EU policy succeeded to tip the scales in favor of the pro-European camp in Serbia by linking the result of the elections to two clear paths: European integration or isolationism.<sup>95</sup> After the parliamentary elections of May 11 the EU High Representative for CFSP Javier Solana congratulated Serbia on the peaceful conduct of free elections and commented: "I hope that a new government can be formed rapidly, which would be strongly committed to reforms and to meeting the necessary conditions for further progress towards Europe. The European Union would give such a government all its support."<sup>96</sup>

The elections wound up with an equal number of seats for the nationalist coalition of the Radicals and Kostunica's DSS on one side and the pro-Western group headed by the Democratic Party of Tadic on the other side. Finally, on 23 June a small coalition of three parties led by the Socialist Party of former dictator Slobodan Milosevic switched sides and joined the pro-European coalition, thus a new government was formed.<sup>97</sup> Concurrently, Serb elections for the Community Assembly of Kosovo and Metohija took place in the Serb parts of Kosovo, and a local Serb government was created by the Serb minority in the city of Mitrovica. While it constitutes a symbolic gesture, rather than a rebellion, it is called illegal by Kosovo Albanian political leaders.<sup>98</sup> The EU's softening of habitual conditionality and offering positive incentives in this key moment worked, at least for the time-being. Nonetheless, the EU is not any closer to striking a deal with Serbia over Kosovo. In his declaration to the Security Council, President Tadic spoke against the democratic government of Kosovo, saying it usurped the mandate the Security Council granted UNMIK in the Resolution 1244.

The new Serb government took on an ambitious and somewhat conflicting agenda. In his first speech addressing the Parliament on 7 July, the new Prime Minister Mirko Cvetkovic outlined two

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<sup>94</sup> Traynor, Ian, "Talking tough, but sick of fighting: Serbs prepare for Kosovo showdown", The Guardian, 12/10/2007 <http://www.guardian.co.uk/world/2007/dec/10/balkans>

<sup>95</sup> Montgomery, William, "Pragmatism carries the Day in Serbia", B-92, 07/07/2007 [http://www.b92.net/eng/insight/opinions.php?nav\\_id=51703](http://www.b92.net/eng/insight/opinions.php?nav_id=51703)

<sup>96</sup> Council summary CL08-034EN, 05/12/2008, [http://www.europa-eu-un.org/articles/en/article\\_7866\\_en.htm](http://www.europa-eu-un.org/articles/en/article_7866_en.htm)

<sup>97</sup> \_\_\_\_\_, "Background", EurActiv, 24/06/2008. <http://www.euractiv.com/en/enlargement/new-serbian-government-wants-eu-kosovo/article-174013>

<sup>98</sup> FoNet, "Thaci in swipe over "illusionist aspirations" ", B92, 07/04/2008, [http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=07&dd=04&nav\\_id=51639](http://www.b92.net/eng/news/politics-article.php?yyyy=2008&mm=07&dd=04&nav_id=51639)

priorities: quick accession to the EU and keeping Kosovo a part of Serbia. The new government was determined to immediately forward the SAA to the Parliament for ratification. Furthermore, it set a target for annual GDP growth of 7% and expressed its commitment to pursue economic ties with both East and West. After the formation of the new government, Javier Solana sent a positive signal its way: “I look forward to working with the Prime Minister Mirko Cvetkovic and his colleagues... After the signing of the Stabilization and Association Agreement the country is now well positioned to advance rapidly.”<sup>99</sup>

As if to confirm Serbia’s cooperative stand, on July 22, Radovan Karadzic was arrested in Belgrade. The former president of Republika Srpska in Bosnia and leader of Bosniak Serbs, indicted for genocide and 10 other crimes, was captured after 13 years. Ratko Mladić and Goran Hadžić continue to be on the run.<sup>100</sup> President of the Commission Barroso commented that the arrest of Karadzic is important for Serbia's European aspiration, as “it proves the determination of the new Serbian government to achieve full cooperation with the ICTY.”<sup>101</sup> The Council also reminded Serbia in an appreciative tone that it can accelerate its progress towards the EU, including attaining a candidate status, as soon as all the necessary conditions are met. Furthermore, it recalled the progress with the visa liberation process.

The only reference that can be interpreted as asking for cooperation in relation to the Kosovo recognition process is the appeal “to take a constructive approach towards the EU's efforts to contribute to peace and stability in the Balkan region.”<sup>102</sup> On this point, the Serb foreign minister Vuk Jeremic countered that when it came to territorial questions, Serbia did not intend to give an inch, regardless of what the EU said or did<sup>103</sup>. The EU leadership has taken the exchange of Serb nationalist leadership for pro-European and the new constitution in Kosovo as a mark of advancement of democracy, without waiting to see the fruits of these formal changes. Visa liberation has not been granted yet, and the EU possibly missed a true chance to garner the Serb public support, because a step like that would immediately influence people’s lives as opposed to signing the SAA.<sup>104</sup>

In the meanwhile, the success of the pro-European agenda in Belgrade contrasts with the confrontational approach of the Serb Radical Party gaining popularity in Kosovo and sparking a debate about partition of the North. “The proposal is for the EU mission to be deployed but also to legalize the so-called ‘soft partition.’ We will see the UN taking care of Serbs, and the EU of Albanians”, commented Argon Bajrami, chief editor of the Kosovo daily Koha Ditore<sup>105</sup>. It is not clear whether UNMIK could simply shrink to the North. Although the UN presence in Kosovo is scaling down, the UNMIK mission in Mitrovica will not be able to withdraw without consequences, because it is the only respected mediator between different ethnicities and guarantor of security. Since Serbs will not recognize EU-appointed judges and the Serb North is a poor

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<sup>99</sup> Council Declaration, 07/08/08,

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/EN/declarations/101723.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/declarations/101723.pdf)

<sup>100</sup> \_\_\_\_, “V Sarajevu oslavy, V Belehrade protesty,” 24 hodin, 07/23/2008, p.6.

<sup>101</sup> Council summary EC08-158EN, 06/21/08, [http://www.europa-eu-un.org/articles/en/article\\_8035\\_en.htm](http://www.europa-eu-un.org/articles/en/article_8035_en.htm), initial capitalization changed by author.

<sup>102</sup> Council summary CL08-102EN, 06/22/08, [http://www.europa-eu-un.org/articles/en/article\\_8038\\_en.htm](http://www.europa-eu-un.org/articles/en/article_8038_en.htm)

<sup>103</sup> Rupnik, Jacques, “Srbske Dilema”, Respekt 31, Prague, 08/03/2008.

<sup>104</sup> Jezek, 2008.

<sup>105</sup> Judah, Tim, “Ban’s Conjuring Trick”.

territory with permeable borders (with KFOR checkpoints) similarly as the South Albanian border, it creates conditions for organized crime, drug trafficking and smuggling. If UNMIK is unable to stabilize the situation in the North, there is a danger of contagion: partition of the Serb North provinces from Kosovo would renew the independence movement in Republika Srpska, which threatened organizing a referendum about partition from Bosnia and Herzegovina after the Kosovo Independence. For the moment, Bosnia's Serbs subject to the current arrangement of partial autonomy, because a division of Bosnia or joining Serbia would put them into a stateless or a subordinate position.

All in all, the compliance with one criterion does not imply that the EU has found political leverage to move Serbia's stand on Kosovo. The European Council does not seem to envisage how Belgrade could pressure the Serb opposition in Kosovo to take a more moderate stand or it opines Serbia has been cooperative enough lately. The EU policy makers either dismissed establishing a Serb assembly as a symbolic act similar to Albanian self-organization in the 1990's, or they are waiting to see whether the mobilization in the North of Kosovo is going to crystallize into a potentially explosive situation. European conditionality could even serve to Serb government as an excuse for unpopular policies as Anastasakis and Bechev suggest.<sup>106</sup> The policy on Kosovo however has significance beyond the scope of political practicality that could be presented to the Serb people as a by-product of European integration; it is a question of Serb national heritage and pride. Slovene political philosopher Slavoj Žižek calls this dilemma a political dialectic of democracy: "although democracy is the ultimate goal, in today's Serbia, any direct advocacy of democracy which leaves uncontested nationalistic claims about Kosovo is doomed to fail."<sup>107</sup>

The impotence of the EU to use its powerful tool to resolve the question of Kosovo's independence shows how processes on different levels such as integration on the supranational level, and disintegration on the national level due to ethnic claims, affect each other, yet cannot directly shape each other's outcome. The inability of an ethno-nationalist compact unit to separate itself from the dominant member of a federation and to settle their conflict without a major humanitarian crisis or international involvement makes for *realpolitik* between major powers and global organizations backing their allies, played out on the contested territories. Kosovo and similar cases challenge the notions of the Westphalian state system, and pose a question whether current international relations can move from the Cold War mentality to a modern post-national world of global interdependence, where outcomes are based on efficiency and conflict is made too costly.

## **7. Remaining challenges and future prospects**

The way that the Kosovo government and the EU will address the current challenges will largely determine the speed of European integration and the prospect for attaining not only nominal, but actual independence of Kosovo in the future. Obviously, the European integration is a two-sided process, so we shall first address the challenges for the EU and then country-specific recommendations. For now, one of the main challenges for the EU in Kosovo is to consolidate its presence so that its role can be publicly understood and supported, and legally backed. A pragmatic recommendation for the EULEX mission would be to focus on practical impediments to

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<sup>106</sup> Anastasakis and Bechev, "EU conditionality," p.11.

<sup>107</sup> Žižek, Slavoj: "Against Double Blackmail". New Left Review 234, March-April 1999.

the rule of law such as organized crime, and streamline overly bureaucratic procedures, i.e. for appointing new judges<sup>108</sup>. The International Civil Representative/EU Special Representative should closely follow the implementation of the Settlement and expose deficiencies without delay. Moreover, ICR/EUSR could leverage support for the integration of Kosovo by projecting a positive external image of its coordinated program not only through a public campaign “European Road-show” in Kosovo, but also outside. The EU must assume a more pro-active policy towards Serbia. It should create space for both sides to cooperate in order to dissolve the tensions in the Serb-populated North of Kosovo and instill law, and if Serbia does not recognize Kosovo’s status as a Republic, the EU should at least instruct Belgrade not to impede Pristina in running Kosovo’s agenda independently. To provide incentives, the EU needs to reward Serbia for compliance with its conditions without delay; it should have reacted to the arrest of Karadzic by immediate ratification of the Stabilisation and Association Agreement.

In the long run, a consolidation of EU structures, namely adoption of the Lisbon Treaty, would also be necessary if the conditionality policy and pre-accession partnerships are to be successfully concluded in an enlarged Union. This “blueprint designed to consolidate the power of the EU and streamline its decision-making process”<sup>109</sup> still needs to be passed by 8 nations – Belgium, the Netherlands, Czech republic, Italy, Spain, Cyprus, Sweden and Britain. Even a single rejection can jeopardize the bill. At least in the Czech Republic, the ruling democratic party is divided on the Lisbon Treaty and passed it to the Central Court for scrutiny of its compliance with the Czech constitutional law. The EU states lacking motivation have not launched an appropriate public campaign to explain properly to its citizens the content, purpose and benefits of the Treaty. With the exception of Croatia, the Western Balkan countries are not included in the EU plan for enlargement at the moment. It may be possible to incorporate some of the provisions from the Treaty in the Accession Agreement with Croatia, but if the Treaty does not pass, the EU will not have institutional readiness to create a contractual relationship with the other Balkan countries.

If Kosovo is not to remain an EU protectorate, the EU should systematically build on the cooperation with Serbia and seize a chance when the climate in the remaining EU member states shifts towards recognition and formulate a clear policy to enable a higher degree of integration of Kosovo into European structures. In the long-term outlook, if the EU is serious about Kosovo’s future as a part of the European community, the Commission should consider that allowing Serbia to accede before Kosovo might block the way for Kosovo. Serbia could pressure its allies to prevent granting Kosovo a formal status of an independent country or the UN membership. Serbian representatives could also vote against making a contractual relationship between the EU and Kosovo or find means to close the borders to Kosovo for travel, trade and intellectual political exchange. As suggested above and as ample scholarly literature proposes, the decision-making process must be adjusted to the growing Union.

The strategy for Kosovo is clear and in light of the debate above, one can suggest several self-serving recommendations for its future political course. As long as the Kosovo Foreign Ministry follows through with its plan to establish diplomatic relations and opening liaison offices in 8 key

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<sup>108</sup> Jashari, Hilmi, Ombudsperson, author’s interview, Pristina, 07/ 04/2008.

<sup>109</sup> \_\_\_\_, “Irish Voters reject Lisbon treaty”, Kosova Post, Pristina, 06/29/2008.

capitals<sup>110</sup>, and fulfills the conditions linked to EU-granted assistance, the Kosovo foreign policy in regard to European integration will acquire substance and complement the EU policy. Kosovo should however consider opening liaison offices not only in the US, Germany or France, but also in other strategic locations than the metropolises of its long-standing international partners, to develop diplomatic relations where they need to be expanded (i.e. China). The Pristina officials should not underestimate the need for developing functional bilateral relations with other countries in the region. For instance, a liaison office in Bulgaria could serve as an entry point for Kosovo's labor force to the EU as well as to administer diplomatic agenda with the Eastern Balkans. Additionally, membership of Kosovo in international institutions can enhance credibility of Kosovo as an independent democracy, improve regional cooperation and contribute to financial viability of continued development.

Another key point of Kosovo's strategy should be maintaining the stand that it constitutes a unique case, while not calling special attention and conforming to the EU guidelines. In the aftermath of the Kosovo's independence, the ethnic enclaves in Romania, Spain and Macedonia demonstrated support for Kosovo and by extension their aspirations for autonomy. The renewed self-determination movement outside of the EU followed: Republika Srpska expressed desire to separate from Bosnia and the break-away regions South Ossetia and Abkhazia from Georgia<sup>111</sup>. Both the Kosovo government and the EU should emphasize that none of the break-away ethnic communities experienced such a wide-scale violation of human rights as Kosovo's population and that they do not resemble Kosovo's complex situation. Furthermore, Kosovo politicians need to assume a more realistic and modest stand and not make any premature unsubstantiated statements of the sort that Kosovo will be in the EU in 10 years<sup>112</sup>. To advance a step towards forming a tighter bond with the EU, Kosovo institutions should conduct a Feasibility report by the mid-2009, which serves to assess overall performance of the country prior to negotiating a contractual relationship. Some government representatives argue it is too early<sup>113</sup>, but Bosnia, which conducted a Feasibility Report in 2003 and since then the EU/Bosnia and Herzegovina Consultative Task Force has focused on addressing the reforms in the areas identified by the FS, proves that the concretization of the criteria is beneficial at any stage.<sup>114</sup> The issue of the looming partition of the Serb-populated North and the divided Mitrovica has to be resolved first; only then Kosovo can fully focus on filing a Feasibility Report, complying with the *acquis communautaire* and other accession requirements.

Overall, the likely outcomes of EU foreign policy toward Serbia and Kosovo are mixed. The EU policy of leaving recognition up to member states should eventually pay off by realization that Kosovo is not a dangerous precedent, as domestic problems have not erupted, and cede to gradual recognitions of the remaining members<sup>115</sup>. Serbia will continue on the pro-European path

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<sup>110</sup> Office of the Prime Minister of Kosovo, author's interview. These capitals include Paris, Berlin, Ljubljana, New York or Washington D.C., but in terms of future negotiations, a strategic office in Asia may also be of utmost importance.

<sup>111</sup> Kulishi, Nicholas, "Kosovo's actions Hearten a Hungarian Enclave," The New York Times, April 7, 2008.

<sup>112</sup> Referring to Prime Minister Thaci's statements. Virtyd Haçafëri, UNDP, author's interview. 07/23/2008.

<sup>113</sup> Shala, 2008.

<sup>114</sup> *Communication from the Commission to the Council on the progress achieved by Bosnia and Herzegovina in implementing the priorities identified in the Feasibility Study on the preparedness of Bosnia and Herzegovina to negotiate a Stabilisation and Association Agreement with the European Union*, COM (2005)0529, Brussels, 10/21/05

<sup>115</sup> To follow the recognition process, see [www.kosovathanksyou.com](http://www.kosovathanksyou.com).

while refusing to accept Kosovo as an independent entity. Meanwhile, the new Ministry for Foreign Affairs in Kosovo should apply for membership in international organizations. Entering regional associations and financial institutions such as World Bank or IMF will help Kosovo to progressively integrate in global structures and ensure financial viability of socioeconomic development in the future. .

Kosovars as well as Serbs see their future in Europe. The UN and EU financial and administrative support has hugely determined the pace and course of the reforms in the past decade. From the EU's perspective, it makes sense to transition in Kosovo from direct support to supervision of the implementation of the reforms, to enhance legal guidance and strengthen the ability to conduct foreign relations so that the Republic of Kosovo becomes a self-sufficient entity. If the interdependence of Western Balkans with the European Union increases, it will make inter-ethnic conflict in the future unthinkable. The prospect of Serbia for gaining EU membership lies in the completion of the Copenhagen criteria, the Thessaloniki agenda, and the Stabilisation and Association Agreement.<sup>116</sup> It remains to be seen whether the implementation of the new policies and reforms as well as employment of the new capacities will be hindered by the current challenges. Like in Turkey, the optimism about EU accession might give way to fatigue in Serbia and Kosovo and the implementation of reforms and standards may be slowed down by prevailing demographic realities, for instance poverty in rural areas and enclaves. Despite the initial downturn of the overall EU growth that accession of Serbia, Kosovo or Albania would bring, there is little doubt that enlarged multi-cultural Europe will be more stable and prosperous than Greater Albania or the vestige of the totalitarian Yugoslavia in form of Serbia holding onto its autonomous provinces for whatever it costs. It is foreseeable that EU will continue to provide assistance after so much investment in the region and to work with the national governments towards the full EU integration of the Western Balkans.

## **8. Conclusion**

The realization of the EU that Kosovo cannot be re-integrated into Serbia, and its decision to support Kosovo's independence in regards to democratic political representation, legislative reforms and civil society, was crucial for Kosovo to start on the path to the European integration. All the state-building efforts precipitated the 2008 political developments. The EU has contributed to the independence not by declaring what the right status should be and attempting to enforce it, but by setting stability and peace as the wider goal of its Foreign Policy towards the Western Balkans. By gradually introducing the European Integration mechanisms as the development framework for the Western Balkans, by devising STM for Kosovo as an alternative to Stabilisation and Association process and respecting the resolution 1244 all throughout, the European Union created such conditions in Kosovo that it was ready to assume statehood or supervised independence and the UN administration could be replaced by a permanent, sovereign government. Along with the UN, the EU attempted to negotiate a compromise between Serbia and Kosovo and get the provocative issue out of the table, but this only resulted in adoption of the Comprehensive Plan for the Status Settlement by Kosovo and produced a policy of prolonging the status quo by Serbia.

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<sup>116</sup> For more see the membership requirements as laid out in the Copenhagen Summit, and the Thessaloniki Agenda.

By ensuring the highest possible level of minority rights in the Ahtisaari plan and the Kosovo constitution, as well as EU presence to supervise the transition, and by enabling the member states to decide their relations with Kosovo, while calling it *sui generis* case, the EU clearly aimed at a desirable outcome of independence with conditions that would make it an acceptable and durable solution for all groups concerned. By means of all these policies and signing the SAA with Serbia on condition of cooperation with the ICTY, the EU has pursued a step-by-step policy toward a democratic Serbia, an independent Kosovo and stability in the Balkans rather than direct conditionality that may blatantly fail due to a lack of response. Consequently, the EU wholly endorsed Serbia's shift to pro-European leadership and offered speeding up the accession process in exchange for greater compliance with its requirements. Key players from the EU recognized Kosovo after the Declaration of Independence, which encouraged the population, but temporarily froze the issue, as the EU failed to demonstrate a comprehensive foreign policy in regards to the status. Lack of the EU's pressure to accept the viable path of supervised independence combined with failure to materialize tangible rewards for Serbia's hand-over of Karadzic does not ease the situation for the Republic of Kosovo constrained by a labyrinth of legal and institutional arrangements, and in need of wider international recognition. The mixed record of the UN administration and European integration in Kosovo shows the limitations of power that external actors have in influencing political outcomes on the national level. Overall, the integration process of Serbia and Kosovo demonstrates how the EU contributes to the stability and development along its perimeter, but cannot effectively apply its pre-accession conditionality in sensitive areas touching on sovereignty where uniform commitment from its members as well as from the regional partners cannot be ensured.

## **9. Research Bibliography:**

### **I. Literary Sources**

- Anastasakis, Othon, and Dimitar Bechev, *EU Conditionality in South East Europe: Bringing Commitment to the Process*, Oxford University and St. Anthony's College, April 2003
- Berglund, Sten, Joakim Ekman, Henri Vogt and Frank Aarebrot, *The making of the European Union*. Northampton: Edward Elgar Publishing, 2006.
- Caplan, Richard, *International Governance of War-Torn Territories*, New York: Oxford University Press, 2005.
- Curri, Fatmir, "EU's Regional Approach towards the Western Balkans: European Future for Kosovo." Master's thesis, Katholieke Universiteit Leuven, May 2005.
- Curri, Fatmir and Venera Hajrullahu, "State of Play and Main Challenges for Kosovo on the Way to European Membership." Kosovo Foundation for Open Society, October 2007.
- Henkin, Louis, "Kosovo and the Law of 'Humanitarian Intervention' ", *American Journal of International Law*, Vol. 93, No. 4 (Oct., 1999), pp. 824-828, American Society of International Law: 1999.
- Hibbert, Reginald, "The Kosovo Question: Origins, Present Complications and Prospects", Occasional Paper no.11, David Davies Institute of International Studies, 1999.
- Kupchan, Charles A. ed. *Nationalism and Nationalities in the New Europe*. Ithaca: Cornell University Press, 1995.
- Legendijk, Joost, *Draft report on the future of Kosovo and the role of the EU*, Committee on Foreign Affairs, 01/22/07.

- McHall, Cathal. "Creating border space in Ireland" in *Geopolitics of European Union Enlargement*, eds. Warwick Armstrong and James Anderson, pp. 61-77. New York: Routledge, 2007.
- Mrak, Mojmir and Dragan Tilev. "Absorbition of EU Pre-Accession Funds: Concept and Implications for Kosovo." Kosovo Foundation for Open Society, 2007.
- Nelsen, Brent F. and Alexander Stubb eds. *The European Union: Readings on the Theory and Practice of European Integration*, Boulder: Lynne Rienner Publishers, 2004.
- Péteri, Gábor and François Vaillancourt, "Local Government in Kosovo", in *The Kosovo Decentralization Briefing Book*, ed. Robert D. Ebel and Gábor Péteri, pp. 19-22, KFOS, Pristina: 2007.
- Pond, Elizabeth, *Endgame in the Balkans*, Washington DC: The Brookings Institution, 2006.
- Quaisser, Wolfgang, and Steve Wood, *The NEW European Union*, Boulder: Lynne Rienner Publishers, 2008.
- Trbovich, Ana S., *A Legal Geography of Yugoslavia's Disintegration*, New York: Oxford University Press, 2008.
- Vachudova, Milada Anna. "Historical Institutionalism and the EU's Eastward Enlargement" in *Making History: European Integration and Institution Change at Fifty*, Ed. Sophie Meunier and Kathleen R. McNamara, pp. 105-120, New York: Oxford University Press, 2007.
- Vilar, Emilio Rui. "The New Frontiers of Europe" in *The New Frontiers of Europe*, ed. Daniel S. Hamilton, Washington, D.C.: Center for Transatlantic Relations, 2005.
- Zizek, Slavoj, "Against Double Blackmail", *New Left Review* 234, March-April 1999.
- \_\_\_\_\_, "UNMIK: A timely mission", Pristina: UNMIK, 2008.

## II. Government Documents and Reports

- Brussels European Council on External Relations, December 2007, [http://europa-eu-un.org/articles/en/article\\_7627\\_en.htm](http://europa-eu-un.org/articles/en/article_7627_en.htm)
- Council Declaration*, 07/08/08, [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/EN/declarations/101723.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/EN/declarations/101723.pdf)
- Council Conclusions*, 2851<sup>st</sup> External Relations Council meeting, Brussels 02/18/08
- Council summary* CL08-034EN, 05/12/08, [http://www.europa-eu-un.org/articles/en/article\\_7866\\_en.htm](http://www.europa-eu-un.org/articles/en/article_7866_en.htm)
- Council summary* EC08-158EN, 06/21/08, [http://www.europa-eu-un.org/articles/en/article\\_8035\\_en.htm](http://www.europa-eu-un.org/articles/en/article_8035_en.htm).
- Council summary* CL08-102EN, 06/22/08, [http://www.europa-eu-un.org/articles/en/article\\_8038\\_en.htm](http://www.europa-eu-un.org/articles/en/article_8038_en.htm)
- Constitutional Provisions, *Comprehensive Proposal for Status Settlement Summary*, 02/07/07. *European Partnership with Serbia, including Kosovo as defined by UN Security Council Resolution 1244*, The Stabilisation and Association Process: Western Balkans, Europa, <http://europa.eu/scadplus/leg/en/lvb/r18015.htm>
- Constitution of the Republic of Kosovo*, article 147, April 7, 2008, available at <http://www.kushtetutakosoves.info/?cid=2,1>
- Declaration of Independence*, Government Assembly of the Republic of Kosovo, Pristina, February 17, 2008.
- European Commission, *Report on the Feasibility of Negotiating a Stabilisation and Association Agreement with the Former Yugoslav Republic of Macedonia*, COM (1999) 300 final, Brussels: 16 June 1999.

European Commission, *Report on the Feasibility of Negotiating a Stabilisation and Association Agreement with the Former Yugoslav Republic of Croatia*, COM (2000) 311 final, Brussels: 24 May 2000.

*Presidency Conclusions*, Thessaloniki, 19 and 20 June, 2003.

[http://ue.eu.int/ueDocs/cms\\_Data/docs/pressdata/en/ec/76279.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/ec/76279.pdf)

*Treaty of Amsterdam*, chapter 8. Other Community Policies,

[http://training.itcilo.it/actrav\\_cdrom1/english/global/blokit/eutre4.htm](http://training.itcilo.it/actrav_cdrom1/english/global/blokit/eutre4.htm)

\_\_\_\_\_, “The International Presence”, Factsheet ICR-ESDP, 01/16/2007.

\_\_\_\_\_, *Kosovo ETF country plan*, 2007 [www.etf.europa.eu](http://www.etf.europa.eu)

\_\_\_\_\_, “European Future for Kosovo”, Commission Communication

\_\_\_\_\_, *Kosovo’s Foreign Policy*, forum 2015, KFOS, Pristina: September 2007

### III. Media and Other Sources

Crossick, Stanley in “Kosovo: An EU foreign policy success or failure?” EurActiv.com, 02/27/08

Dempsey, Judy, “NATO to offer Serbia partnership”, International Herald Tribune, 10/29/2006,

<http://www.ihf.com/articles/2006/11/29/news/nato.php>

Jatras, Jim, “Kosovo status remains unclear”, EurActiv.com, 04/24/08

Manfred Ertel, Renate Flottau and Marion Kraske. “Negotiations lean towards independence,”

02/20/2006. <http://www.spiegel.de/international/spiegel/0,1518,402188,00.html>

Montgomery William, “Pragmatism carries the Day in Serbia”, B-92, 07/07/07

[http://www.b92.net/eng/insight/opinions.php?nav\\_id=51703](http://www.b92.net/eng/insight/opinions.php?nav_id=51703)

Rudič, Borislav, in radio show “Jak vnímají Srbové samostatnost Kosova”, Český Rozhlas 1, Radiožurnál, 02/22/2008”

Singh, Tejinder. “EU shows unity, Thaci gets another dole of billions for Kosovo,” New Europe, 14 July 2008, Neueurope.com.

Traynor, Ian, “Talking tough, but sick of fighting: Serbs prepare for Kosovo showdown”, The

Guardian, 12/10/07 <http://www.guardian.co.uk/world/2007/dec/10/balkans>

Zizek, Slavoj, “The morning after”, Eurozine, 03/27/01. <http://www.eurozine.com/articles/2001-03-27-zizek-en.html>

\_\_\_\_\_, “New Serbian government wants both Eu and Kosovo, EurActiv, 07/08/08

<http://www.euractiv.com/en/enlargement/new-serbian-government-wants-eu-kosovo/article-174013>

\_\_\_\_\_, “Background”, EurActiv, 24/06/08. <http://www.euractiv.com/en/enlargement/new-serbian-government-wants-eu-kosovo/article-174013>

\_\_\_\_\_, Candidate Countries, European Commission Joint Research Centre, 10/30/08.

<http://ec.europa.eu/dgs/jrc/index.cfm?id=4630>

\_\_\_\_\_, “Council urges Serbia to co-operate on Kosovo,” 02/13/07, updated 02/21/07.

<http://www.euractiv.com/en/enlargement/council-urges-serbia-operate-kosovo/article-161629>

\_\_\_\_\_, “V Sarajevu oslavy, V Belehrade protesty,” 24 hodin, 06/23/08, p.6

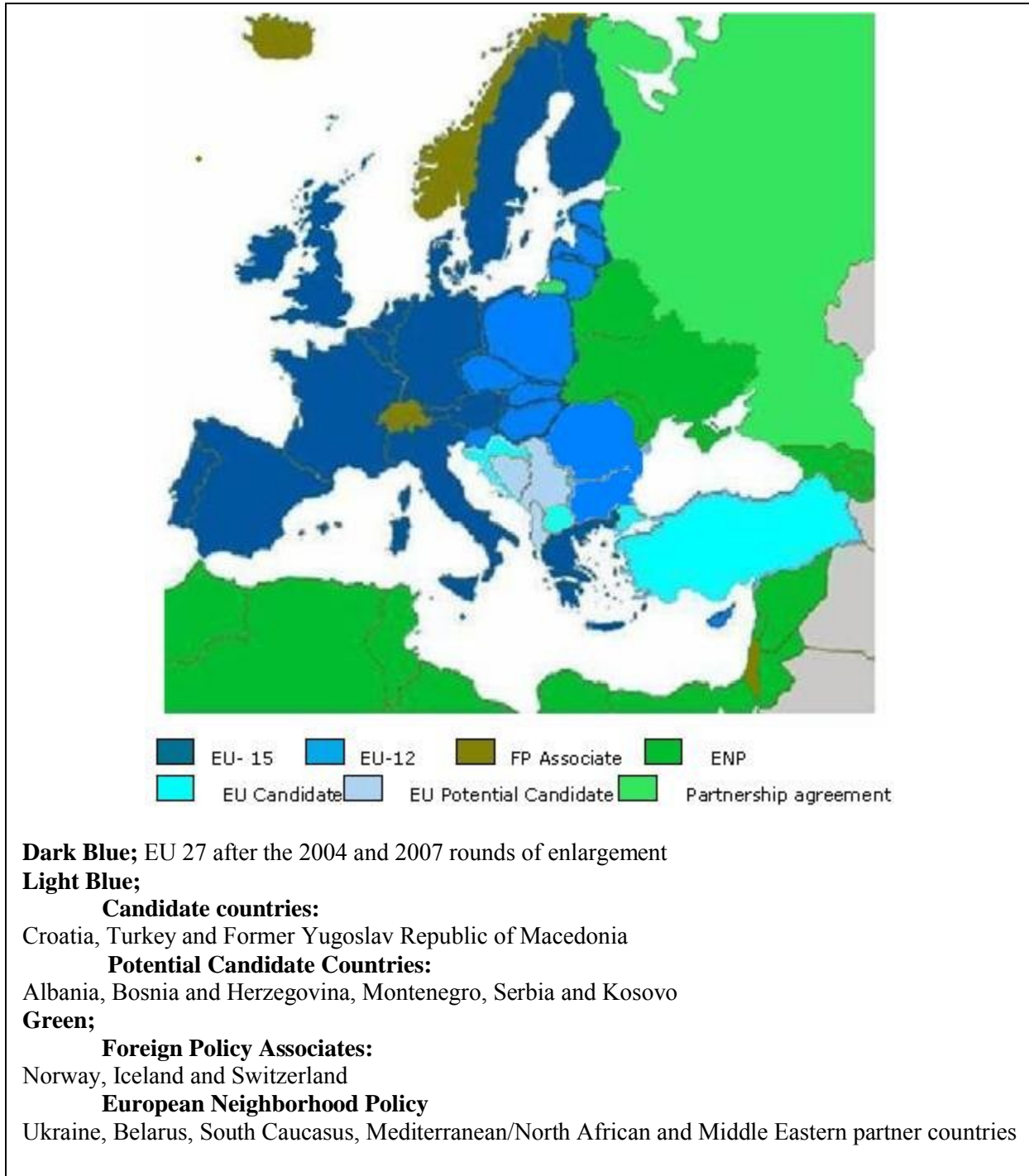
[www.af.mil/shared/media/ggallery/hires/afg\\_021217\\_014.jpg](http://www.af.mil/shared/media/ggallery/hires/afg_021217_014.jpg)

[www.kosovothanksyou.com](http://www.kosovothanksyou.com)

[www.theodora.com/maps](http://www.theodora.com/maps)

## 10. Annexes

### I. Map of the EU members and integrating countries (<http://ec.europa.eu>)



## II. Map of Albanian and Serb populations

