

EU Initiatives Signal No Breakthrough in Kosovo-Serbia Dialogue



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Introduction

If the beginning of the twenty-first century was viewed as the era of European Union enlargement, today the situation is diametrically different and resembles the era of Euroscepticism and enlargement fatigue. The rise of right-wing extremists all over Europe, the refugee crisis and Brexit has pushed many to focus on consolidating the EU rather than entertain any further expansion.

The EU enlargement process has stalled. Turkey is no longer welcome and Ukraine's future into the EU looks pessimistic considering serious tensions and regional implications with Russia. Thus, hypothetically, the only region where enlargement seems possible is in the Western Balkans. Two Western Balkan countries, Serbia and Montenegro, have already started accession talks and are perceived as front runners. Two more, Albania and North Macedonia, have been formally recognized as candidate countries. Finally, Bosnia and Herzegovina and Kosovo are recognized by the EU as potential candidates. For Kosovo however, this process is more complicated as there is no common EU foreign policy due to the fact that five EU member states (Cyprus, Greece, Romania, Slovakia and Spain)

refuse to recognize Kosovo's independence.^[1]

In order to consolidate and preserve the dynamics of the EU integration process in light of increased Euroscepticism, German Chancellor Angela Merkel has launched a diplomatic initiative called the "Berlin Process" to effectively boost regional cooperation and EU enlargement in the Western Balkans. During the launch of the Berlin Process (Berlin Declaration 2014), two bilateral disputes were emphasized as central: Kosovo-Serbia and Greece-Macedonia. The latter managed to be solved as a result of the finalization of the historic "Prespa Agreement" in June 2018. However, the Kosovo-Serbia dispute continues to be a major challenge for the two countries and beyond.

Kosovo-Serbia relations have dominated the political discourse in the Balkans. Since the summer of 2018, there has been speculation that the Presidents of Kosovo and Serbia, Hashim Thaçi and Aleksandar Vučić respectively, are planning to forge a deal that would involve border changes. According to national surveys conducted in 2018 and 2019 by the Research Institute of Development and European Affairs, more than two-thirds of

Kosovars are against border changes between Kosovo and Serbia, even if it could result in recognition from Serbia and United Nations membership for Kosovo.^[2]

Furthermore, in the last couple of months, Serbia has launched a derecognition campaign pushing countries to withdraw their recognition of Kosovo's independence. Thus far, there have been reports that more than ten countries have withdrawn their recognition.^[3] In the meantime, Kosovo has also failed to join prominent international organizations such as UNESCO and Interpol as a result of Serbia's campaign against Kosovo's bids. In response, Kosovo retaliated with an 100% tariff on Bosnian and Serbian goods in November 2018. Kosovo's tariffs remain intact and negotiations are halted as Serbia refuses to participate without the tariffs being lifted. The tariffs were imposed by former Prime Minister Ramush Haradinaj, who resigned in July 2019 after being summoned by Hague's prosecutors for questioning.^[4] Following Haradinaj's resignation, Kosovo decided to dissolve its parliament on August 22, paving the way for new elections and making the political situation even more complicated.

The EU failed to push the governments of Kosovo and Serbia to reach a comprehensive normalization agreement by the end of the last European Commission's mandate in 2019. Moreover, the EU did not even succeed in bringing them back to the negotiating table. This year, resuming the negotiations was first attempted in the Berlin Summit followed by a failed attempt to meet again in Paris, a meeting which was postponed, although no further information or clarification was provided. It is worth noting that the Berlin Summit was organized under the auspices of Germany and France, Chancellor Merkel and President Macron respectively; on the other hand, the Poznan Summit organized in Poland was part of the Berlin Process and was attended by EU member states as well as EU representatives.

There has been no evident progress regarding Kosovo-Serbia relations, despite European initiatives to break the deadlock. The last serious attempt to bring Kosovo and Serbia to the negotiation table came from the "Quint" states, comprising of France, Germany, Italy, the United Kingdom and the United States. The Quint issued a press release that was very specific about the necessary steps needed to be

undertaken, “for Kosovo, that means suspending the tariffs imposed on Serbia. For Serbia, that means suspending the de-recognition campaign against Kosovo.”^[5] This was an explicit push to try and resume the negotiation. In the midst of this conundrum, the US has decided to step in with the appointment of two special envoys, signaling more US involvement in the Kosovo-Serbia dialogue.^[6] The US Department of State has appointed Matthew Palmer to serve as a Balkans envoy and US President Donald Trump appointed Richard Grenell, the US ambassador to Germany, as a special Presidential envoy for the Kosovo-Serbia dispute. In addition, the EU has appointed Josep Borrell to serve as the EU's High Representative for Foreign Affairs and Security Policy.

This **policy brief argues** that this year's Berlin Summit and the Western Balkans Summit in Poznan failed to ease tensions between Kosovo and Serbia and restart the process of negotiations.^[7] One thing is clear, Kosovo and Serbia relations are of immense importance; thus, there needs to be a final comprehensive agreement between the two countries so that the region can move forward. The EU has an important role to play and a great

responsibility for helping achieve a final agreement between the two countries.

Between Berlin & Paris

Kosovo-Serbia relations was undoubtedly the highlight of the 2019 Berlin Summit; only Kosovo and Serbia were represented by their heads of states and governments, respectively their Presidents and Prime Ministers. The summit aimed to resume the Brussels mediation talks which stopped as a result of the tariffs Kosovo imposed on Serbian and Bosnian goods.

Serbian President Aleksandar Vučić restated that he will not return to the negotiation table without the lifting of the tariffs. Kosovo's international supporters have pressured Kosovo to lift the tariffs but have proved unsuccessful insofar. Prior to the summit, former Prime Minister Ramush Haradinaj appeared in a local tv station (T7 TV) where he confirmed that his stance on tariffs against Serbian goods will not be revoked during the summit. Kosovo President Hashim Thaçi had *a priori* diminished the importance of the summit calling it a “routine meeting.”^[8] This statement comes as a result of his unsuccessful attempt to initiate border

corrections between Kosovo and Serbia, as this has failed to impress international actors and has not received the support of the local population.

Thaçi's and Haradinaj's contrasting stances on the border correction has weakened Kosovo's bargaining position. Instead of being unified, the two leaders participated in the meeting with two different political agendas. This gave the impression that the Kosovo delegation was representing two different states. Consequently, this made it difficult to present Kosovo's interests before France and Germany. There was only one issue that Thaçi and Haradinaj agreed on, the demand for visa liberalization, which has not been granted to Kosovo yet, despite the European Commission's confirmation that Kosovo has fulfilled all criteria.^[9]

From the Serbian perspective, President Vučić is playing it safe. He is aiming for European integration while at the same time keeping close ties with Russia, China and Turkey. Recently, Serbia received military armaments from Russia, major foreign direct investments from Turkey and just prior to the meeting in Berlin, President Vučić participated in the "Belt and Road Initiative Forum"

where he met the Presidents of China and Russia, Xi Jinping and Vladimir Putin. During his visit to Beijing, Vučić stated, "*At this moment, I don't understand how and what to talk with Pristina about,*" reaffirming his stance against the dialogue.^[10] Vučić maintains close relations with authoritarian regimes and uses Kosovo as leverage to receive the green light for EU membership.

The situation does not look that promising from the European perspective either. This year's Berlin Summit, hosted by Chancellor Merkel and President Macron, was supposed to show unity between Germany and France; however, it proved the opposite. France and Germany have different opinions when it comes to the Western Balkans and EU enlargement. While Merkel supports enlargement, Macron on the other hand believes that the EU should first and foremost reform itself before proceeding with enlargement.^[11] The summit appeared to be more of an opportunity to display who is taking the leading role on important foreign policy issues after the United Kingdom's decision to depart the EU, rather than have a unified position. Furthermore, the UK's departure from the EU will also affect the relationship between the Western

Balkans and the EU.^[12] According to a *Freedom House* report, Brexit will consume the EU's energy and reduce interest in enlargement.^[13] In addition, with the UK out of the EU, the Western Balkan countries will lose a key advocate of EU enlargement.

The summit in Berlin also showed the EU's inability to bring Kosovo and Serbia closer to a final comprehensive agreement, specifically the inefficiency of EU foreign policy chief Federica Mogherini. She was present during the summit, but only as a replacement for Jean-Claude Juncker, former President of the European Council.^[14] Her role in the last couple of months has been irrelevant to the Kosovo-Serbia dialogue as she was not capable of offering alternatives to overcome the deadlock created in November 2018.^[15] Moreover, she was criticized for being open to Kosovo-Serbia land swaps.^[16] The Berlin Summit was a great opportunity to end the speculations about border changes; however, the issue has not been properly addressed yet. Chancellor Merkel has been opposed to the idea of border changes from the beginning. Despite the opposition, there are still people who are in favor of ethnically pure states instead of multiethnic ones that mirror EU

values. One of these prominent people is the President of Kosovo, Hashim Thaçi.

The EU has started to lose credibility among local actors. President Thaçi undermined the EU's role by calling it weak, *"without the United States we can't have a final agreement, because the EU is divided, it's true,"* he stated at the summit.^[17] The Berlin Summit failed to achieve any guarantees for visa liberalization for Kosovo, even though Kosovo has fulfilled all required benchmarks. There was nothing concrete offered to Kosovo or Serbia, except an invitation to meet again in Paris, France, in July 2019, a meeting which never took place. Germany and France stated that the summit in Paris did not fail, but was postponed, although no further information was provided.

Poznan Calling

The 2019 Western Balkans Summit in Poznan, Poland, was the sixth in the series of annual summits organized under the Berlin Process, after Berlin (2014), Vienna (2015), Paris (2016), Trieste (2017) and London (2018). The Western Balkans Summit in Poznan focused on strengthening civil society, the Connectivity Agenda, the EU's enlargement policy and the development of the Berlin Process.^[18] The summit consisted of different forums such as the Civil Society Forum, Think-Tank Forum, Business Forum, Ministerial meetings and Leaders' Summit. Maciej Popowski, the European Commission's Deputy Director-General for Neighborhood Policy and Enlargement Negotiations, emphasized that *"we are now in the transition period, but I am convinced that the Western Balkans enlargement will remain a top priority of the next European Commission, as it was and still is of the Juncker's Commission."*^[19]

Some of the main takeaways from the Poznan Summit included the call for simplifying and improving the accession process, naming every state capture and the need to have an open dialogue between the Western Balkan countries and EU member states.

Moreover, North Macedonia and Bulgaria announced the first joint presidency over the Berlin Process and support for the opening of accession negotiations with Albania and North Macedonia.^[20]

The Poznan Summit confirmed EU commitment to strengthen cooperation with the Balkan region with a set of concrete measures and a new Connectivity Package worth €180 million focusing on five key areas: transport and energy, digital, economy, security and good neighbourly relations.^[21] Implemented through the Western Balkans Investment Framework, the grants for eight new transport and energy projects (road, rail, energy transmission infrastructure) will contribute to the goals of the Connectivity Agenda and are expected to leverage investments of up to €728 million.^[22] However, the outcome of these projects remain to be seen.

The summit held in Poznan came as a surprise considering that Poland is experiencing serious democratic and institutional deficits and is arguably not the best environment in the EU to discuss enlargement and democracy. The eroding democracy in Poland has put the

country in the vanguard of illiberal democracies in Europe. This has made the Western Balkan countries increasingly skeptical about their future into the EU, including Kosovo, whose people have viewed the EU quite favorably over the years.

Similar to the Western Balkans Summit in London (2018), the Poznan Summit discussed infrastructure projects and interconnectivity, but it failed to show any substantial progress towards the normalization of relations between Kosovo and Serbia. Kosovo continues to have serious problems such as high corruption and unemployment and a fragile rule of law. According to Aidan Hehir, Director of the Security and International Relations Programme at the University of Westminster,

“There is no progressive vision for Kosovo within the EU. They have focused on a narrow set of internal issues whilst ignoring the major problem. This has enabled the emergence of the criminal elite within Kosovo and the broader process of state capture. The ongoing denial of visas and the lack of any real prospect of EU membership shows, I believe, that Kosovo and its people are not a priority.”^[23]

Kosovo imposed tariffs against Serbian and Bosnian goods are in place, the dialogue has stalled and Kosovo is still waiting for visa liberalization. In the meantime, the political discourse has deteriorated, with Serbian Prime Minister Ana Brnabić referring to Kosovo Albanians as people who *“literally emerged from the woods.”*^[25] Kosovo authorities have retaliated confronting her prejudice and banning Serbian ministers from entering Kosovo. In short, the status-quo remains intact. Serbia’s derecognition campaign is continuing and the last withdrawals of recognition come from Ghana and the Central African Republic.^[25] Scandal surrounded the case of the Central African Republic’s withdrawal. According to *Corbeau News*, a middleman named Vladimir Cizelj negotiated payments of over €300,000 with the Central African Republic foreign minister in order to withdraw Kosovo’s recognition.^[26]

Serbia still refuses to join sanctions against Russia and has recently signed the agreement to join the Eurasian Economic Union (EEU).^[27] The EEU is an economic union that comprises of Russia, Armenia, Belarus, Kazakhstan and Kyrgyzstan and came into force in 2015. Serbia became EEU’s newest member despite the EU’s

counsel to refrain from doing so, since Serbia is a candidate country to join the bloc. One of the main prerequisites to join the EU is to align laws, rules and procedures with that of the EU in order to give effect to the entire body of EU law contained in the *acquis communautaire*.

The political situation in Kosovo is at a new low; it has been exacerbated by the resignation of Prime Minister Ramush Haradinaj after the Hague-based Kosovo Specialist Prosecution call for questioning regarding war crimes allegations. Parliamentary elections took place on October 6 but Kosovo has not managed to form a new government yet, preventing the country from moving forward. On the other side, Serbian parliamentary elections are due to be held in April 2020.

Despite political stagnation, there is some room for optimism. The newly appointed EU foreign minister, Josep Borrell, comes at a time when the EU facilitated negotiations between Kosovo and Serbia will reach their tenth year. Thus, after a year of blockade, the dialogue desperately needs a refresh. According to Vessela Tcherneva, Deputy Director of the European Council on Foreign Relations, Borrell is a better

diplomat compared to his predecessor.

"I think Borrell will have more gravitas with the EU foreign ministers simply because he has a very impressive career which was not the case with Mogherini. He will have to make sure that foreign ministers listen to him, in the way Javier Solana did it. He will have to pick his battles in the same way as Cathy Ashton did it."^[27]

Borrell's appointment accompanies a time when the US is willing to re-engage with the Balkan region. The US appointment of Matthew Palmer as special envoy for the Balkans and Richard Grenell as a special presidential envoy for the Kosovo-Serbia dispute shows the US's inclination to work on the Kosovo-Serbia issue. In spite of the many reservations, it is possible that with the US's firm hand, the Brussels negotiations can push Kosovo and Serbia closer to achieving a final deal.^[28] EU commitment and the EU-US coordination together may produce the needed synergy to finally seal a deal between Kosovo and Serbia.

Conclusion

The Berlin Summit and the Western Balkans Summit in Poznan were overshadowed by the continued ambivalence of EU member states regarding the EU integration of the Western Balkans. These summits were yet another attempt to engage with the region and détente current tensions, but most importantly reaffirm the EU perspective. However, they proved once again that after Croatia, Bulgaria and Romania, EU enlargement is far from happening any time soon and most of the statements coming from the EU are empty political slogans and lofty rhetoric.

This indicates that the EU needs a new approach in dealing with the Western Balkans. Likewise, a new approach is a must for the Kosovo-Serbia dialogue, the so-called Gordian Knot of the Western Balkans. In order to do that, infrastructure projects are not enough. There has to be more political will and resources to bring these countries together while maintaining their EU integration path.

Recommendations

For Kosovo

- > A fragmented and polarized political scene seriously hurts Kosovo's international representation; thus, the President and Prime Minister of Kosovo must put aside their differences and have a common stance on the Kosovo-Serbia dialogue.
- > The Kosovo-Serbia negotiations must resume as there is no alternative to dialogue. However, in return, the EU must fulfill their obligations by granting the long-awaited visa liberalization for Kosovo citizens.
- > Kosovo should change their strategy regarding the imposition of tariffs on Serbian and Bosnian products. The longer the tariffs stay in place the more difficult it will be for Kosovo because this sends a signal that Kosovo is not willing to return to the Brussels negotiations. Even worse, it will send a message to its Western supporters that Kosovo is willing to risk its relationship with them.

For the EU

- > The EU risks nationalist revival if it stalls the Western Balkans enlargement. Moreover, failure to engage with the region attracts interest from external actors such as Russia, China and Turkey. Thus, France and Germany should not offer different viewpoints on enlargement because that can seriously damage the relative progress made thus far in the Balkan region.
- > As stated in the Think Tank Forum in the Western Balkans Summit in Poznan, the EU should simplify and improve the EU accession process, every state capture must be identified and there is a need to have an open dialogue between the Western Balkan countries and the EU member states.
- > The Western Balkans needs continuous guidance from the EU; as such, the EU should move beyond lofty political rhetoric and slogans and seriously engage with the region's local actors and citizens.

- > The EU needs a new approach towards Kosovo and Serbia. In order to make a final comprehensive agreement happen, there has to be maximum efforts including all regional actors. Most importantly, the process must be transparent because secret diplomacy is not allowed under international law.
- > The EU is dealing with a formidable array of problems; therefore, it should seriously consider the appointment of a Balkan envoy with a special focus on the Kosovo-Serbia dispute.
- > The EU must take advantage of the newly appointed US Balkan envoys and closely coordinate with the US in order to reach a final comprehensive deal between Kosovo and Serbia.
- > The EU should pressure Serbia to end its de-recognition campaign and bring an end to the vulgar and offensive language towards Kosovo and Albanians in general.

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