

# **Kosovo's Independence: The Consequences for EU Integration Policy**

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Kosovo seems to capture a specific position in the integration policy of the European Union (EU). The EU's policy of integrating the countries of the Western Balkans started in 1999 after the end of the Kosovo War with the launching of two key initiatives; the Stability Pact for Southeast Europe and the Stabilization and Association Process (SAP). In the former the EU was the driving force, in case of the SAP the program was and is a pure EU approach which became more precise and distinct with regard to EU integration after the Thessaloniki Summit declaration of 2003 when all countries of the Western Balkans were labelled "potential candidate" for EU membership. However, both the Stability Pact and the SAP constitute important refreshing the intensification of regional cooperation in the Balkans, not only as a kind of precondition and prove for the ability and willingness of the countries concerned to effectually integrate later into the EU structures but also for supporting the desperately needed economic recovery of the region. Economic as well as political cooperation cannot be one way streets between the EU and the single Balkan countries but shall even more utilize on the existing opportunities of regional advantages, local resources and division of labour.

The most visible step in that direction of promoting and developing regional cooperation was the recent (spring 2008) transfer of responsibilities and tasks from the Stability Pact to its successor organization, the newly created Regional Cooperation Council (RCC)<sup>1</sup> seated with its secretariat now in Sarajevo, i.e. at the very heart of the region. An important task of the RCC will be to provide the already existing Southeast

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<sup>1</sup> More on the RCC see "Final Report of the Senior Review Group on the Stability Pact for Southeast Europe", Brussels March 6, 2006; and Joint Declaration On the Establishment of the Regional Co-operation Council (RCC), Sofia, 28 February 2008.

European Cooperation Process (SEECP), a hitherto only non-institutional political debating club of the Southeast European heads of states, with operational capacities. The RCC is destined to promote regional cooperation not any longer under the roof and guidance of the EU but under the principle of the ownership of the countries of the region, and under the roof of political cooperation and guidance of the Balkan states assembled in the SEECP. The EU will only accompany this new promising process supporting it by political and financial means. The RCC, if it functions appropriately, will be a sign of maturity of the region for future EU integration.

Here now comes the Kosovo issue into play. The official inauguration and start of the RCC coincided almost precisely with the declaration of independence of Kosovo! The prime reaction of Belgrade was the immediate freezing of diplomatic relations with all countries that recognize the independence of Kosovo, which includes also six important neighbouring countries in the region: Albania, Bulgaria, Croatia, Hungary, Slovenia and Turkey. It might be that Montenegro and also Macedonia will recognize Kosovo soon, Macedonia at least has signed a Free trade Agreement (FTA) with Kosovo as did Bosnia-Herzegovina, which like Greece and Romania will not recognize Kosovo in the foreseeable future due to very specific reasons.

For the initial phase of enhanced regional cooperation Serbia has announced that it will not participate in any RCC action where Kosovo tries to act as sovereign state instead of being under the tutelage of the UN Interim Administration Mission in Kosovo (UNMIK). At the last SEECP summit in Pomorje (Bulgaria) on 20 May 2008, Kosovo was one of the central issues. Serbian Foreign Minister Vuk Jeremić blocked the Albanian representative Skender Hyseni from addressing the meeting as chief of Kosovo's diplomacy insisting that an UNMIK official speak instead. During the entire meeting Serbia was adamant on not mentioning Kosovo at all in the document while Albania insisted on the opposite.

However, it cannot be expected that Kosovo will be represented in future RCC meetings and actions by UNMIK forever, but will insist in partici-

pating under its own sovereign terms that are already recognized by the majority of its neighbours. On the other hand, the Serbian blockage can result in jeopardizing major projects since Serbia is geographically the country in the very centre of the region, and the one with the largest population after Romania. How shall border-crossing projects on infrastructure or e.g. cooperation in the context of the EU-Southeast Europe Energy Community<sup>2</sup> function, if also the newly formed Serbian government is determined to either block out Kosovo or to refuse cooperation if Kosovo tries to act the role of a sovereign state? There was even concern in Serbia and in the EU that a government formed by the radicals and the Koštunica DSS party would reorient Serbia's economic and political future towards the East, i.e. Russia, abandoning thus permanently and consequently further regional cooperation with its neighbours who are primarily relying on ongoing support from the EU! Anyhow, even without a reorientation towards Russia but still backed by Moscow, the simple blockage policy of Serbia's new government may delay principal regional projects, jeopardizing thereby an important pillar of the EU's policy of rapidly integrating the Western Balkans!

What are the possible consequences of Kosovo's independence for the entire Stabilization and Association Process, the enlargement process, which it is shaping? There are two interpretations of possible effects: It may either accelerate or slow down the enlargement. Starting with the latter one must concede that over the last two years a general tendency of growing enlargement fatigue has developed among government officials in single EU-countries as well as in the broad public, whereas the EU Commission is still trying to pretend that enlargement policy is on an unchanged track! The poor performances of Romania and Bulgaria after their accession, with slowed down reforms and reluctance in fighting organized crime and widespread corruption, are not at all supportive for a positive discussion on further enlargement. Furthermore, the auspices of a Turkish membership have also prompted general concerns regarding further enlargement as such.

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<sup>2</sup> See more on the Energy Community in: Franz-Lothar Altmann: Südosteuropa und die Sicherung der Energieversorgung der EU. SWP-Study No. 1/2007. To find in: <<http://www.swp-berlin.org>>.

And now comes Kosovo! Fortunately there has not been formed a DSS-Radicals government in Serbia since they had programmed to not ratifying the EU-Serbia SAA! But confidence in the stability of the new DS-SPS government is also not too great in the EU. However, what makes the entire issue of implementing the SAP problematic is the split within the EU. Still six EU-countries (Cyprus, Greece, Romania, Portugal, Slovakia and Spain) have not recognized Kosovo's independence, and it will be interesting to see how these countries will decide when for example Serbia should receive candidate status in order to be further stabilized, and Kosovo not due to its disputed status.

Anyhow, can Serbia with its claim on Kosovo become candidate for EU membership when more than two thirds of the EU countries have already denied that position by recognizing Kosovo as a sovereign state? Will not the general attitude grow which argues that this trouble prone area, the Western Balkans, should not become integral part of the EU? The former notion to enlarge bloc-wise, as has happened before in all enlargement rounds, is not any longer feasible. Too heterogeneous and different in many respects have these countries become over the recent past, in particular in economic performance. And, in addition, can the SAP and thus the enlargement process proceed in the given framework, if Bosnia-Herzegovina, Macedonia and Montenegro do not recognize Kosovo, thereby fragmenting further the Western Balkans? Much pragmatism seems to be needed to overcome these obstacles!

On the other hand, the Kosovo issue can even have an accelerating effect on SAP and enlargement, and in fact it seems already that this is exactly what is happening. The uncertainty concerning the outcome of the parliamentary elections in Serbia in early June have prompted Brussels to offer the signing of an SAA for Serbia before the elections in order to avoid that an anti-EU Serbian electorate vote for a radical turn into isolation. Hope was also expressed that Belgrade would become more realistic and thus ready for some compromises in the Kosovo status question if a EU-friendly government would be the outcome of the elections. The arguments of the Radicals and of Koštunica's DSS were that Serbia should never accept partnership or even membership with a union that in majority is supporting the amputation of Serbian territory! Also the ac-

companying offer of free visa issues has to be seen as a usage of EU's integration perspective as a means of political influence before election date. However, reactions of Bosnia-Herzegovina, Albania and Montenegro to the signing of the SAA with Serbia on 29 April 2008, have been as expected critical if not fierce: Why does the aggressor who is not responding appropriately to the EU's conditions, in particular the full cooperation with ICTY in The Hague, receive such positive promotion and is allowed to march ahead towards European integration when others, who are trying really hard to comply with the requirements set in the SAA negotiations, are still sitting on the waiting bench?

Thus it became unavoidable that the integration process with these countries had to be accelerated, too. Bosnia-Herzegovina was invited to sign its SAA on 16 June 2008, although the general assessment of the results of the reforms remains sceptical. The so-called police reform is widely seen as a compromise based on the lowest denominator, and constitutional reforms are not any longer discussed due to the absolute chasm between the Muslim-Croat Federation and the Republika Srpska. Montenegro has been encouraged by the disputed promotion of Serbia to consider to officially applying for full EU membership already during the French presidency,<sup>3</sup> and Albanian opposition leader Edi Rama just recently complained that Serbia is treated undeservedly better than his country!<sup>4</sup>

Arguments have come up even that not only equal treatment should be applied but instead a more pro-active approach towards the neighbours of Serbia in a kind of setting incentive examples for Serb politicians! In that respect one could even state that Albania, BiH and Montenegro should be grateful for this general new momentum in enlargement politics resulting from the Kosovo quagmire, a momentum that goes contrary to the otherwise noticeable enlargement fatigue. However, can one undisputedly accept the obvious dilution of principles that had been up-

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<sup>3</sup> Montenegrin Prime Minister announces EU application during French presidency. BBC 15 July 2008.

<sup>4</sup> Opposition leader slams EU for treating Albania worse than Macedonia, Serbia. BBC 14 July 2008.

held for so long? Economic as well as political criteria had been the cornerstones of enlargement progresses so far, but now pure political considerations and not principles seem to dictate the process. Are the respective countries really well prepared for an acceleration that might prove too rapid and demanding for the economies and societies in the region?

Two questions must be raised in this context. The first concerns whether the EU really has an alternative to this stabilization approach. Can the EU live with a constantly instable region amidst its south-eastern tier, with countries that remain economically depressed with the related social tensions, with high unemployment and autarky not only from socio-economic embeddings into the worlds greatest trading and welfare area, but also from free movement into its direct neighbourhood?

The second question is whether a slow down of the integration progress due to non-fulfilment of the conditions such as ICTY cooperation would not have severe negative implications on urgently needed further reform steps? So far reform efforts could be substantiated with the argument that Brussels is demanding and pushing for them because otherwise next steps in the SAP could not be considered.

Finally, what about Kosovo itself? It is included into the SAP through the so-called tracking process, and it is clear that it must remain part of the Western Balkans' EU integration process. But how can that happen if at the same time Serbia submits its EU membership candidacy with the territory of Kosovo and Metohija as defined in its new constitution?<sup>5</sup> How can Serbia sign a document where 20 out of 27 counter-signatories do not acknowledge any longer the belonging of Kosovo to Serbia? On the other hand, the EU cannot leave Kosovo aside and proceed with Serbia. At the very end there is no possibility that under the present controversial positions concerning Kosovo's status both countries can become at the same time candidates for membership or even members in the EU. If Serbia insists in its position, then a point will come when all attempts of the EU to include it further on into the entire process may be stopped,

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<sup>5</sup> Interview with Serbian Foreign Minister Vuk Jeremić in *Politika* on 9 July 2008.

which would mean the exclusion and isolation of Serbia. It is not possible to keep Kosovo out when it is recognized by a two-third majority of the EU states but again it might not become possible to offer it at the very end membership when the remaining third is not willing to recognize Kosovo's sovereignty and will not enter the final ratification process! Furthermore, the EU taking over from UNMIK will not be able to sign the respective membership document for Prishtina with itself if it remains split. But also the Western Balkans *in toto* will remain split if Belgrade does not move!

So how to proceed? At the moment it seems as if all parties, the EU, Serbia, Kosovo, and its neighbours are behaving and proceeding as if there will come a miraculous solution in time. Until then the EU Commission will try to push forward the accession process which means that constant signals will be given to the region that even the Ireland referendum failure will jeopardize neither Croatia's entrance nor that of the other Western Balkans states at a later date.

However, discussion has already started whether intermediate steps between SAAs and full EU membership like the concept of concentric circles, of course the possibility of final membership included, could become a backdoor for overcoming eventual frustrations, if the stalemate scenario endures. In the Report of the Committee on Foreign Affairs of the European Parliament on the Commission's 2007 enlargement strategy paper such an approach ("... mutually permeable concentric circles ... to move from one status to another ...") has been mentioned!<sup>6</sup>

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<sup>6</sup> Report on the Commission's 2007 enlargement paper (2007/2271(INI)) by the Committee on Foreign Affairs of the European Parliament, rapporteur Elmar Brok, A6-0266/2008, 26.6.2008, para. 17.