

INTERDISCIPLINARY STUDIES

23

ON

CENTRAL AND EASTERN EUROPE

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Forging Kosovo: Between Dependence, Independence, and Interdependence



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The European Union's Relations with the Republic of Kosovo

Abstract This chapter analyzes relations between the European Union (EU) and the Republic of Kosovo for the period between 2008 and 2020. On February 17, 2008, Kosovo declared its independence and became the newest state in Europe. The EU is a strategic partner for Kosovo. All of Kosovo's governments have declared EU membership as a national priority. But the EU has applied ambiguity and ambivalence towards the Republic of Kosovo, and five of its twenty-seven member states have not yet recognized Kosovo's independence. These ambiguity and ambivalence, addressed in this research, are visible in the two European institutions: the European Commission and the European Council, which support the Kosovar state but at the same time take into account the positions of the five non-recognising EU member countries. Moreover, the case of visa non-liberalization shows the impact of the EU's ambivalence. However, the EU, with the support of the United States of America (USA), is playing the role of a mediator in order to normalize the bilateral relations between Kosovo and Serbia. The findings of this research revealed that the dialogue resolved many technical issues, but full normalization and reciprocal official recognition of the two states have not yet taken place.

Keywords: European Union, Republic of Kosovo, State, Foreign Policy, Bilateral Relations, Western Balkans

Introduction

On February 17, 2008, under the Comprehensive Proposal of the UN Secretary-General's special envoy, Martti Ahtisaari, for the resolution of Kosovo's final status and in close coordination with the USA, key EU member states (Germany, Austria, France, Italy, United Kingdom (UK)), and also neighbouring Albania, the Kosovo Parliament declared the independence of Kosovo. Thus, the independence resolved and settled the issue of Kosovo and, at the same time, marked the last phase of the final breakup of Yugoslavia. The legality of Kosovo's independence was also confirmed by international law, concretely by the International Court of Justice (ICJ) in 2010 (ICJ, 22 July 2010).

Following the 1998–1999 war, the EU focused on the reconstruction and economic stabilization of Kosovo. Since 1999, the European Agency for Reconstruction (EAR) has been particularly involved, as the EU has supported the state-building process. From 1999 to 2008, the political and operational engagement of the EU, under the leadership of the North Atlantic Treaty Organization (NATO) and of the United Nations Interim Administration Mission in Kosovo (UNMIK), focused on the reconstruction, training, and supervision areas.

Since 2008, as an independent and sovereign state, the Republic of Kosovo has adopted its foreign policy in accordance with its national and strategic interests. On the one hand, for the Republic of Kosovo, the EU is a strategic partner and Kosovar authorities have declared EU membership a strategic priority. On the other hand, the EU remains strongly engaged in the Republic of Kosovo through its civilian presence, in particular within the framework of its EULEX Kosovo mission launched in 2008 under the Common Security and Defense Policy (CSDP). EULEX's mission assisted and monitored Kosovo's authorities in establishing independent rule of law-based institutions. The EU offered a prospect of joining the European project for the Republic of Kosovo. However, in European politics there is ambiguity and ambivalence towards Kosovo.

This chapter analyzes EU's approach towards the Republic of Kosovo during the 2008–2020 period. The research question is: what are the relations between the EU and the Republic of Kosovo? The first part explains the EU's stance towards the state of Kosovo. The second part focuses on the impact of the EU's ambivalence like in the case of visa liberalization. Finally, the third part emphasises the normalization of bilateral relations between Kosovo and Serbia under EU's auspices, and the support of the USA. For this contribution, various written primary and secondary sources are used: scientific literature (books, book chapters, articles), official documents (declarations, speeches, statements, resolutions, decisions, laws and press releases), grey literature (reports) and press articles.

The EU's Relationship towards the Republic of Kosovo

The main allies of the state of Kosovo are the USA and the EU. All of Kosovo's governments have declared NATO and EU memberships national

priorities, despite the difficulties in making the necessary reforms and the international context in which the Republic of Kosovo is evolving. According to Gëzim Visoka, "Kosovo's alignment with Western states can be best explained by its past relations, present dependencies, and future aspirations" (Visoka, 2019: 109). Firstly, the Western states have supported Kosovo's liberation from Serbia's yoke, they have promoted the declaration of independence and recognized it immediately, and have lobbied in order to consolidate the sovereignty of the Kosovar state; secondly, since its independence in 2008, Kosovo has relied on the political and socio-economic support of the USA and the EU in order to survive as an independent state; thirdly, Kosovo's alliance with the European powers and the USA is of paramount importance because the Kosovar authorities aim to join the Euro-Atlantic structures (ibid., 109–110). However, even though Kosovo has chosen the path of EU membership as the only alternative, the latter is failing to have a unique policy towards the young state.

The day after the independence declaration, the Council of the EU took note of the decision of the Kosovar Parliament and highlighted the *sui generis* case of the creation of the new state while also specifying that each member state was free to recognize it in accordance with its national practice (Council of the EU, 2008: 6). As Marc Weller notes "the statement only confirmed the inability of the EU to act as a unified entity in the matter of recognition" (Weller, 2008: 74). The EU had done the same in similar circumstances, such as, for example, in the case of Montenegro. The problem is that since the EU is not a state, it does not have the competence to recognize states. It is its member states which decide individually. Indeed, the European foreign policy remains a theoretical project because a foreign policy is linked to a state and the EU still encounters many problems in the implementation of a common foreign policy. This therefore impacts the EU policy towards the Republic of Kosovo.

Kosovo's independence was quickly recognized by twenty-two of the twenty-seven EU member states. The non-recognition by five EU members (Cyprus, Greece, Romania, Slovakia and Spain) shows how the EU is depending on decisions from its member states. It shows also how member states, after an initial loss of some sovereign powers as candidates regain their national powers, after acquiring full membership, even at such supra-national organization like the EU (Reka, 2006; 2010: 77). In other words, politically the EU did not reach a consensus among all its twenty-seven members about the recognition of the Republic of Kosovo, being divided

on this aspect because of its five member states. They still refuse the official recognition of Kosovo's statehood, although ICJ stated that the adoption of the declaration of independence on 17 February 2008 was in accordance with the international law (ICJ, 22 July 2010: 53). The ICJ proved Kosovo's new political and legal reality (Krisafi, 2014: 190). The first practical test of the EU towards Kosovo's independence was the decision for the EULEX mission in Kosovo (OJEU, EULEX Kosovo, 4 February 2008), when those five member states abstained from voting for that Council decision for the establishment of the biggest rule of law mission in EU's history.

Therefore, the EU's policy towards Kosovo is ambiguous and even ambivalent. On the one hand, the EU supports the accession of Kosovo within it, and on the other, it has not yet managed to convince the five member states to officially recognize it. This ambiguity is visible in the two European institutions, the European Commission and the European Council, which support the Kosovar state but at the same time take into account the positions of the five non-recognising EU member countries (Krasniqi and Musaj, 2013: 146–159). For example, when the representatives of the Republic of Kosovo visit the European Parliament, the Kosovar state flag is erected next to the European flag, while this is not the case with the European Commission or the European Council. Indeed, the European Parliament adopted several resolutions calling for the five member states to recognize the Republic of Kosovo (European Parliament, resolution of 29 November 2018). Those EU institutions have different approaches towards Kosovo because of the official non-recognition by the five EU members of Kosovo's independence. In institutions like the European Council where the weight of the member states is important and decisions are taken by consensus, this has direct repercussions on the EU's common foreign policy towards the young Kosovar state. The ambiguity and the ambivalence are a result of the diversity of the EU and power disparities among European institutions and EU member states.

The EU's enlargement policy is a long complex process which includes various conditions, set by the EU institutions for countries which aim to become its members and undertake internal transformations (Noutcheva and Bechev, 2008: 140). Kosovo's foreign policy on an EU membership had limited but important results, such as the negotiation, signing and then ratification of the Stabilization and Association Agreement (SAA) with the EU. After several years of negotiations, the signature of this international

agreement took place in Strasbourg on October 27, 2015. The Kosovar and European Parliaments ratified it respectively on November 2, 2015, and January 21, 2016. Under the Lisbon Treaty, which conferred legal personality to the EU, only ratification by the Republic of Kosovo, and by the European Parliament was necessary. The ratification of this agreement, which has already entered into force on April 1, 2016, is a major achievement for the Republic of Kosovo as it is its first contractual agreement with the EU.

Since the Feira European Council (2000), all the Western Balkan states (Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, Serbia) which are involved in the Stabilization and Association Process (SAP) are therefore considered as potential candidates for EU accession. Therefore, in order to start the procedure for joining the EU they must sign and ratify the SAA. In general, the SAA is an international treaty concluded between the EU and each Western Balkan state separately as part of the pre-accession strategy (Elbasani, 2008: 10–11). This individual agreement aims to facilitate the future accession of the concerned countries. The SAA has thus offered a formal and contractual framework for the bilateral relations between the Republic of Kosovo and the EU.

Official negotiations on the SAA between the Government of the Republic of Kosovo and the European Commission started in 2013, and after two years the SAA was signed. Kosovo was the last country in the region that signed it. The European Commission stated that: "Kosovo has an opportunity for sustainable progress through implementation of the Stabilization and Association Agreement and to advance on its European path once objective circumstances allow" (European Commission, 2018: 2); but non-recognition obstacles did not allow it to enter in the full integration process, as other Western Balkan countries. Compared to other agreements concluded by other Western Balkan states, the one signed by Kosovo is more precise and more advanced with a main focus in increasing accountability, transparency and the independence of the judiciary power; but also fighting corruption, organized crime, and promoting a more functional Parliament (Serri, 2019). The European Commission, in its enlargement strategy package, and its annual progress report in 2018, asked further efforts on improving all these fields (Commission Staff Working Document, 2018), and this was asked again in 2019. The European Commission's report on Kosovo mentions in particular the necessity for more reforms in the judicial system, fighting corruption and organized crime (Commission

Staff Working Document, 2019: 3–4). Among other things, because of political obstacles created by Serbia, it was difficult for the Republic of Kosovo to fulfil all four components of its SAA: contractual relations; trade relations; financial assistance; regional cooperation and good neighbouring relations. In November 2016, the European Reform Agenda (ERA) was launched as an instrument for SAA implementations (Commission Staff Working Document, 2019: 3; European Union Office in Kosovo/European Union Special Representative in Kosovo, 2016). So far, according to the Government of Kosovo, 68 % of its SAA has been implemented (Hoxha, 2019), although the civil society has reported different figures: 55 % of Kosovo's SAA was achieved in 2016, 62 % in 2017, 68 % in 2018 and 51 % in 2019 (EPIK Report, 2019). Although the Government of the Republic of Kosovo said that ERA 1 was fully implemented, and they are going along with ERA 2 (Haradinaj, 2019), the civil society claims that only 5 out of the 22 priorities of the ERA were implemented (Krasniqi-Veseli, 2019).

The Impact of the EU's Ambivalence: The Case of Visa Liberalization

The Republic of Kosovo has still not been granted a Schengen visa free regime as all other countries in the Western Balkans. It is hoped that this will not be a political obstacle. Kosovo still remains the only state of Western Balkans without free circulation for its citizens. The visa-free dialogue between Kosovo and the European Commission started in 2012, and in June of that same year, a “guide for visa liberalization” was adopted: indicating 95 criteria which Kosovar authorities should fulfil – before moving to a so-called white list. With a number of technical criteria twice as big as other countries in the region, one particular additional political criterion was introduced for Kosovo: “border's demarcation with Montenegro” (Report of the Government of the Republic of Kosovo, 2017). It was more of a geopolitical condition – rather than a technical one – in order to prevent any bilateral territorial disputes that could have prevented Montenegro's accession within NATO. This non-technical criterion has been fulfilled by Kosovo's Parliament in the

beginning of 2018 (although there was a strong popular opposition from its citizens).

On 18 July 2018, the European Commission through its positive recommendation announced that all preconditions were met by Kosovo's institutions (European Commission Press Release, 2018); expecting that after receiving the support of the European Parliament, the Council of Ministers will finally decide to put Kosovo in a "Schengen white list." But in November 2018, a few member states (Netherlands, France and Germany) decided to postpone the start of a Schengen visa free regime for Kosovo; at least until 2020. Later, in 2019, the European Commission reconfirmed that Kosovo met all conditions for a visa liberalization, and the European Parliament warned that the continuation of this delay would harm EU's credibility in Kosovo. Kosovo's 2019 progress report stated that this "[...] proposal is pending in the Council and should be treated as a matter of urgency" (Commission Staff Working Document, 2019: 3).

Paradoxically, the EU applied differentiation and ambivalence. Kosovo, as part of the Western Balkans, is under the enlargement policy, but after one decade of promises, it still does not benefit from a visa-free regime with the EU. Some countries like Ukraine, Moldova and Georgia, which are not part of this enlargement policy but of the European Neighbourhood policy (ENP), got a visa-free regime with the EU a few years ago because the European policy is viewed as "a new front line" between Russia and the EU (Jakniūnaitė, 2013: 117). These three countries have no better records than Kosovo in fighting corruption and organized crime, but get visa-free regimes (Phillips, 2018: 4). In these three countries of Eastern Europe, as Pawel Kowal wrote: corruption is "deeply and systematically rooted" (Kowal, 2018). In these cases, it seems as if a geopolitical reasoning prevailed on the technical conditions. The changing and tormented geopolitical context on the European continent and in its immediate neighbourhood, marked in particular by the war in Ukraine, followed by the annexation of Crimea showed that Russia constituted a threat to the stability of the EU's neighbourhood and to the European continent. So, it wasn't just a matter of fulfilling the criteria, but it was also a geopolitical reason from the EU to award that policy to Ukraine, Moldova and Georgia trying to "keep Russian influence a bay" (Gotev, 2014). However, the EU remains committed to the Western Balkans, especially as a mediator in the normalization of bilateral relations between the Republic of Kosovo and the Republic of Serbia.

EU's Auspice in Normalizing Relations between the Republic of Kosovo and the Republic of Serbia

The effective normalization of bilateral relations between the Republic of Kosovo and the Republic of Serbia is one of the main objectives of the Kosovo foreign policy and the EU's foreign policy towards the Western Balkans. The EU has been directly involved almost for a decade now as a dialogue facilitator party. According to the International Crisis Group, the opinion of the ICJ, which was of real importance for the international consolidation of the independence of Kosovo as it stemmed from the main judicial organ of the United Nations (UN), forced the Serbian leaders "[...] to sit with Kosovo's leaders as equal partners in a dialogue process" (ICG, 2010: 1). On September 9, 2010, the dialogue between the two states was also encouraged by the UN General Assembly Resolution: No. 64/298, inviting the EU to initiate a dialogue between Kosovo and Serbia. The dialogue started in 2011. The first phase of the dialogue was technical while the second phase was political. Thus, through this technical dialogue and the European pressures on the two states, more than thirty agreements were concluded between 2011 and 2017 among which the one on the free movement of people and goods, the personal documents, the civil registers, the cadastral registers, the customs, recognition of university diplomas, representation of the Republic of Kosovo in regional organizations and meetings, energy or telecommunications (ASHAK, 2018: 326). During the second phase, the political content of the dialogue consisted of numerous meetings in Brussels between the highest representatives of the two states. It is indeed this political level of dialogue that produced the most important interstate agreements such as that of April 19, 2013, known as the "Brussels Agreement." The conclusion of these agreements therefore demonstrates a tacit recognition of the independence of Kosovo by Serbia (Merlin, 2013). Although accompanied by ambiguity, lack of transparency towards the general public (Beha, 2015: 118; Gashi, Musliu and Orbie, 2017: 550) and not fully implemented, the Brussels Agreement of April 19, 2013, marked a step towards normalizing relations between the two states (Bieber, 2015: 312).

Although the EU had a mandate to mediate between Kosovo and Serbia for the normalization of their relations, nobody in Brussels explicitly explained what "normalization" means. Individual interpretations from two

negotiating states are different: for Serbia it is just a dialogue for technical issues; for Kosovo it is a negotiation process which will lead towards mutual official recognition between Kosovo and Serbia. This dialogue to normalize relations between the two states also aims to encourage them to join the EU through coercion, pressure and under close surveillance by Europeans. It was in an article wrote by Stefan Lehne, published in March 2012, that such normalization was first mentioned, advocating the establishment of normal and stable interstate relations (Lehne, 2012). According to Geoff R. Berridge and Alan James, the first meaning of the concept normalization means "[t]he restoration of diplomatic relations" (Berridge and James, 2003: 189), namely "[t]he situation enjoyed by two states that can communicate with each other unhampered by any formal obstacles" (Berridge and James, 2003: 80). The normalization of relations is not an approach that has been applied for the first time, and exclusively, in the framework of bilateral relations between Kosovo and Serbia; as a diplomatic concept it has a long historical past, e.g.: between the Federal Republic of Germany (FRG) and Poland (1970), between the FRG and the German Democratic Republic (GDR) (1972), between Croatia and Serbia (1996) or, more recently, between the USA and Cuba (2015) (Hoxhaj, 2016: 199).

The gradual normalization of the relations between Kosovo and Serbia has jointly unblocked the process of EU enlargement to the Western Balkans. On 28 June 2013, the European Council gave the green light to open accession negotiations with Serbia by January 2014 at the latest, pending the full application of the agreement of 19 April 2013 concluded with Kosovo; it also authorized the opening of talks on the SAA with Kosovo (European Council, 28 June 2013). The EU, as mediator, has thus rewarded both countries for the measures taken to normalize their bilateral relations (Bieber, 2015: 294). In this direction, regional cooperation between the Western Balkan states is a prerequisite (Keukeleire and Delreux, 2014: 242–247). For some years now, the great European powers have been demanding that Serbia recognizes Kosovo as an independent and sovereign state. The Foreign Ministers of Germany and the UK already reminded the Serbian authorities, during their respective visits to Belgrade in 2011, that the final status of Kosovo has been definitively sealed following the 2008 declaration of independence (Lehne, 2012: 6–7). As part of its enlargement policy aimed at bringing stability and reducing bilateral disputes, the European Commission, in its enlargement strategy published in February 2018, stated that: "A comprehensive, legally binding

normalisation agreement is urgent and crucial so that Serbia and Kosovo can advance on their respective European paths" (European Commission, 2018: 7). The dialogue between the two states, under EU mediation, stagnated between 2017 and 2020. Therefore, significant weaknesses were noted regarding the EU in the rapid normalization of relations between Kosovo and Serbia (Hajrullahu, 2019: 117).

During the summer of 2019, French President Emmanuel Macron and USA's State Secretary Mike Pompeo, introduced the principle of the "reciprocity of two states." French President Emmanuel Macron after the meeting in Belgrade with Serbian President Alexander Vučić, on 15 July 2019 said that the dialogue should continue between the two independent states in order to normalize their bilateral relations (Macron, 2019). In the context of distraction from the EU and the power projection of Russia, China and Turkey in the Western Balkans, in August 2019, the USA Department of State appointed Matthew Palmer as special representative for the Western Balkans and, in October 2019, President Donald Trump has appointed Richard Grenell (the former USA ambassador in Germany) as his personal envoy for the dialogue between Kosovo and Serbia, announcing the renewed interest of the USA in Western Balkans. Europeans answered immediately that in addition to Joseph Borrell as EU mediator (from his position of High Representative of the Union for Foreign Affairs and Security Policy (HR for CFSP)), a Special European Envoy should be appointed (EEAS, 21 February 2020). On 3 April 2020, Miroslav Lajčák was appointed by the EU Council as EU Special Representative for the Kosovo – Serbia dialogue (Council of the EU, 3 April 2020).

Otherwise, although within the Brussels Dialogue both states were obliged to not block each other in the European integration process (Brussels Agreement, 2013), Serbia in the last years followed an aggressive diplomatic approach starting an anti-recognition campaign against the Republic of Kosovo, and blocked Kosovo's membership in multilateral organizations like United Nations Educational, Scientific and Cultural Organization (UNESCO) and International Criminal Police Organization (INTERPOL). Whereas Serbia has opened 18 out of the 35 EU negotiation chapters with the EU, since the start of the Brussels Dialogue in 2011 the number of new international recognitions for Kosovo stagnated; from 12 in 2012, 1 in 2018, 0 in 2019 and only 1 state announced its recognition in 2020. In parallel with its participation in the normalization dialogue, out from the negotiation table, Serbia worked against normalization of the relations with Kosovo, misusing it for diplomatic blockade against recognition of the

Republic of Kosovo and lobbying in 15 states to revoke their previous recognitions (Palickova, 2019; Palokaj, 2019). According to the EU, Serbia's anti-recognition campaign and diplomatic blockade against the Republic of Kosovo was not a violation of the normalization of their relations. Brussels, did not react, neither did they when Serbia blocked Kosovo from becoming part of the Balkans energy interconnection route, but did when Kosovo applied a 100 % trade tax for Serbia and Bosnia and Herzegovina's products (EEAS, 21 November 2018).

Seven years (2011–2018) of Brussels Dialogue created this situation which Marta Szpala called: "hostage to dialogue" (Szpala, 2016: 2), due to (non) implementation of some agreements reached during that negotiation process (Orosz, 2016). That's why, after a long pause, the Quint (USA, UK, France, Germany and Italy), has returned in Kosovo – Serbia disputes, asking continuation of the dialogue, and requesting mutual concessions from both sides: Kosovo to withdraw its tariffs against Serbia; and Serbia to stop diplomatic blockade against the Republic of Kosovo in international organizations (Quint, 2019). This failure from the EU to reach full normalization which was the main goal of the Brussels Dialogue, returned the USA in the Western Balkans, after a two-decade post-war relative absence (Reka, 2019: 2). This symmetric position of Quint was a reaction in response to EU's asymmetric treatment of the two states. Similar to this more balanced position of Quint was that of the USA State Secretary Mike Pompeo, which requested continuation of the dialogue for normalization of the relations between Kosovo and Serbia with a final agreement with mutual official recognition between the two states (Ortagus, 2019), which was reconfirmed by the US Senate Defense Report in 2020 (US Senate Defense Report, in 2020: 281).

In the first phase of the Brussels Dialogue, the main aim was to find solutions for practical issues between Kosovo and Serbia. After ten rounds of negotiations in Brussels, they agreed on "The First Agreement on Guiding Principles for Normalization of Relations" between Kosovo and Serbia, signed by both Prime Ministers, in Brussels on 19 April 2013. And on 25 May 2013 was also signed an Action Plan for implementation of that agreement. In this 15 point "First Agreement" signatory parts agreed inter alia on: elimination of parallel structures in northern municipalities in Kosovo; establishment of an Association of Serb-majority municipalities; integration of all police structures of the northern part of Kosovo under Kosovo Police; elimination of double payments for the Kosovo Police Service officers of Serbian ethnicity in the northern municipalities in Kosovo by inaugurating

of a unique system of payment by Kosovo's Police; designation of an ethnic Serb for Regional Police Commander for four municipalities of northern Kosovo with a Serbian majority population¹; full integration of Courts in the northern municipalities of Kosovo into the Court system of Kosovo; local elections in northern municipalities in Kosovo under Kosovo's law; and finally this agreement asked both sides not to block each other's progress towards EU integration. On August 25, 2015, in Brussels, Prime Ministers of Kosovo (Isa Mustafa) and Serbia (Aleksandar Vučić), under mediation of the EU HR for CFSP Federica Mogherini, signed a second political agreement for all remaining issues from Brussels Dialogue such as energy, telecommunications, the Association of Serb-majority municipalities and the arrangement for the Ibër river bridge. Overall the dialogue produced poor results, or as European Parliament concluded: the dialogue solved some technical issues, but not political obstacles to normalization (Russell, 2019: 1–8).

The final phase of Brussels Dialogue for normalization of Kosovo – Serbia bilateral relations was planned to start by the end of August 2018, with more ambitious goals: to reach one mutual acceptable and legally binding agreement. But, the idea of territorial swap spoiled the whole process (Reka, 2019: 3). This final phase for the normalization of the Kosovo–Serbia relations was announced by the meeting of the two Presidents Hashim Thaçi (Kosovo) and Aleksandar Vučić (Serbia) in presence of Federica Mogherini, in Brussels on August 25, 2018, announcing that the final impact of Brussels Dialogue will be a comprehensive and legally binding agreement signed by both parties. Started as technical, this process continued as a political one and at the end was nearly to end as border negotiation process (Reka, 2019: 4). Although never published as a written plan, territorial swap between the two countries was commented as a border change of their territories: northern municipalities in Kosovo in exchange of southern municipalities in Serbia (Barigazzi, 2018).

The two parties, Kosovo and Serbia, did not reach agreement, during the European Commission mandate 2014–2019, when the mediator Mogherini pushed the finalization of the process in that direction, in order to sell it as her own “success.” In 2016 and 2018, the Republic of Kosovo took three sovereign decisions on Trepça mines, tax and army. On October 7, 2016, Kosovo's Parliament approved the law No. 05/L-120 on Trepça, a large industrial complex in Kosovo located in northeast of Mitrovica,

1 North Mitrovica, Zvečan, Zubin Potok and Leposaviq.

with the aim of regaining entire control of this economic giant and making Kosovo's government the owner of 80 % of its shares, while 20 % remain for its employees. Faced with Serbia's aggressive campaign against Kosovo, on November 21, 2018, the Prime Minister of Kosovo, Ramush Haradinaj, applied the principle of reciprocity by adopting the 100 % tax on products imported by Serbia and Bosnia and Herzegovina (Government of the Republic of Kosovo, Decision No. 01/76, 21 November 2018). On December 14, 2018, the Parliament of the Republic of Kosovo approved the law No. 06/L-123 that transformed the Kosovo Security Force (KSF) into an army, but without changing its name. Mogherini only requested from Kosovo the same as Serbian President Vučić: the abolition of the 100 % trade tax against Serbia and Bosnia and Herzegovina products (EEAS, 21 November 2018) but she did not ask Belgrade to stop its diplomatic campaign against Kosovo. Dialogue was stopped, but not the idea of a border exchange. Only after a strong opposition from Chancellor Merkel, talks on the land swap have been put on hold (Gray, 2018).

Like his predecessors Ramush Haradinaj and Albin Kurti, the Prime Minister of the Republic of Kosovo, Avdullah Hoti, made it clear that the territory and the sovereignty are non-negotiable (Hoti, 24 July 2020). Border exchange and the resolving of bilateral neighbouring problems with territorial "trade" is even not in accordance with the EU's enlargement philosophy, which since its launch was exactly the contrary: unifying the continent in "a single political space" (Olsen, 2002: 923), and avoiding last century re-mapping of Europe.

In 2019, Serbia tried to push the dialogue to a conclusion through a final agreement that would include the final borders between the two states. Mogherini, in her speech at the UN's Security Council, stated that the final agreement should be acceptable by both parties, in accordance with international law and to be supported by the UN Security Council (EEAS, 12 March 2019). But so far, Vučić has not abandoned the border change idea. This idea was rejected by two main European powers. Merkel and Macron restarted the dialogue process, and in the declaration of the Berlin Summit (29 April 2019) repeated that border exchange is unacceptable. In parallel to the new Berlin-Paris initiative, the USA and the Quint indicated there would be a replacement of the format of this dialogue, implicitly confirming dissatisfaction with the EU mediation in Brussels Dialogue.

By the end of 2019, that dialogue entered in the final – but hardest – phase, including other "big players," in order to prepare the final outcome: the UN

membership of Kosovo. After the letters of USA President Donald Trump (sent to Kosovo and Serbia Presidents), Washington declared that is willing to be included in the dialogue when both states will be back on table (RTK, 2019). Some scholars even called it "Trump's summit: Kosovo – Serbia", an allusion of 1978 Camp David of USA President Jimmy Carter who mediated the Israel–Egypt conflict (Pineles, 2019). Due to lack of capacity from the EU to finalize Brussels Dialogue, the USA was expecting an agreement before the start of the American presidential elections in 2020. Both sides calculated ideal negotiation outcomes. Serbia: to open EU chapters, 30 and 35 (entering a final EU accession negotiations). Kosovo: to secure a UN seat and be officially recognized by Serbia.

From July 2020, there were some new developments related to the dialogue, such as the resumption of the dialogue in Brussels with the meeting of the Prime Minister of Kosovo Avdullah Hoti and the President of Serbia Aleksandar Vučić, (July 12, 2020), the continuation of the technical dialogue (July–August) and the new round in Washington on 4 September and in Brussels on 7 September, 2020 (Reka, 2020: 3). The Prime Minister of Kosovo, Avdullah Hoti, and the President of Serbia, Aleksandar Vučić, on September 4, 2020, at the White House in Washington D.C., in the presence of the President of the USA, Donald Trump, signed a commitment on economic normalization. Both parties have not signed the same document, but each party has signed its commitments separately.

The dialogue between Kosovo and Serbia under EU mediation and support from the USA, is under way. The authorities of Kosovo insist that the final stage of the dialogue must be a peace treaty and mutual official recognition between the two states in existing borders.

Conclusion

An EU membership was and remains a strategic priority of all governments of the Republic of Kosovo. However, the EU policy towards the Kosovar state is ambiguous and even ambivalent. The EU supports Kosovo's accession to its ranks as shown by the entry into force of the SAA, but it has not yet succeeded in convincing the five remaining member states to officially recognize Kosovo.

EU's ambiguity is particularly visible in the two European institutions, the European Commission and the European Council, which support the Kosovar state but at the same time take into account the positions of the five non-recognising EU member states. As for the European Parliament, it has already recognized the Kosovar independence. This shows that the EU has difficulty in speaking with one voice. The non-liberalization of visas for Kosovo, even though all the requested criteria have been met, illustrates this European paradox. Thus, the EU has not kept its promises and commitments, deteriorating its image with the citizens and authorities of Kosovo.

The EU, with the support of the USA, is playing the role of a mediator in order to normalize the bilateral relations between the Republic of Kosovo and the Republic of Serbia. The dialogue, which started in 2011, mainly took place in two phases: the first phase was technical while the second political. Overall, the dialogue produced weak results, but they constitute a first step towards the normalization of bilateral relations between Kosovo and Serbia. The dialogue resolved many technical issues, but not political ones between the two states. Thus, through this technical dialogue and the European pressure on both parties, more than thirty agreements were concluded between 2011 and 2017.

Nine years after the start of the dialogue, full normalization and reciprocal official recognition of the two states are yet to be achieved. The dialogue between Kosovo and Serbia, within the framework of the mediation of the EU and the support of the USA, was relaunched in July 2020 and the possibility of signing, in the coming months, a legally binding agreement on normalizing of their bilateral relations is often mentioned by politicians and media in the Western Balkans and in the EU.

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For many areas of social science research, including conflict resolution, peacebuilding, and international state-building, Kosovo remains a uniquely interesting and relevant case. This book is motivated by the belief that there is much to be gained, analytically and empirically, from bringing together local scholarship that focuses on Kosovo-specific issues. It helps understand how path-dependent historical legacies set in motion prior to and during the war for independence, coupled with contemporary processes of dependence on and interdependence with external actors, shaped contemporary Kosovo society and institutions. It brings together a methodologically diverse set of local scholarly perspectives on contemporary political, legal and societal developments in Kosovo.

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