



THE KOSOVO CONDITION UNDER THE CONDITION OF THE “OBJECTIVE CIRCUMSTANCES”

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From the strategy for “A credible enlargement perspective for and enhanced EU engagement with the Western Balkans”, presented on 6.02.2018, it becomes clear that a basic condition for the progression of Serbia towards membership is the creation of good neighbourly relations with Kosovo. Exactly the unresolved Kosovo matter is the reason for the negotiations with Serbia to begin with the chapters “Financial control” and “Other issues” instead of “Justice and home affairs”. What is hidden behind the misleadingly unpretentious title “Other issues”, is in fact the question of normalizing the relations with Kosovo.

In 2008 Kosovo separated from Serbia and declared its independence. Belgrade, however, refuses to recognise it until today. In the Serbian constitution, Kosovo is explicitly defined as an integral part of Serbia. In the beginning of February 2018 the Serbian Prime minister A. Brnabić made it clear that the country will not recognise Kosovo for the purpose of

joining the EU only. Speaking at a press-conference with her Slovenian colleague M. Cerar, Brnabić stated that the president of the European Parliament A. Tajani has assured the state of Serbia that Belgrade will not be forced to recognise Kosovo in order to become a EU member. The legally binding contract we heard about is nothing new: we have heard about it before, President Vučić has spoken about it, as well as the Minister of European Integration Joksimović - stressed Brnabić.

The European Union, on the other hand, does not cherish great hopes for the resolution of this issue. For this reason namely, instead of “recognition of Kosovo”, the Commissioner for Enlargement J. Hahn preferred an alternative formulation. At the Conference in December 2017 in Sofia, where all Balkan leaders gathered, he called for “a process of normalization of the relations between Serbia and Kosovo”. In the same manner, in the strategic document about the European perspective for the



Western Balkans, the EU declares that "a comprehensive normalization of relations between Serbia and Kosovo in the form of a legally binding agreement", is "of crucial urgency" for both countries' perspective for EU membership.

The introduction of a condition for good neighbourly relations aims at avoiding the spread of the new-joining states unresolved foreign policy conflicts - "the big disputes" to the Union internally. This condition was adopted by the European Council in Madrid in December 1995 as a supplement to the Copenhagen criteria (1993) for the applicant states from the Eastern enlargement. It reflects the clear understanding of the potential risks that the intergovernmental disputes (the ones that were frozen during the communism, but also the new ones that arose after its collapse) in this ethnically tense region hide for the Union. Already in the first group of countries chosen to start negotiations in 1997, however, there was a state which clearly did not meet the condition for good neighbourly relations - Cyprus. In short, there is an explicit political condition in place but there has also been a precedent for its violation already.

Overcoming the current problems in the relations between Serbia and Kosovo as a means to meet the condition for good neighbourly relations is complicated by the unsettled relations between Pristina and some of the EU member states. The independence of Kosovo is not recognised by five of them - Greece, Cyprus, Spain, Romania and Slovakia. Based on this position, a week before the strategic document for the Western Balkans was officially published, Spain strongly objected against the inclusion of Kosovo in the strategy. The Spanish government also opposed against the use of the term WB6 as a short reference to the six states of the Western Balkans, stating that Kosovo cannot be part of the process of enlargement. This position, especially in the light of the current attempts for the separation of Catalonia, corresponds to the national interests of the country for avoiding all sorts of

precedents which could be used for separatist purposes. The other member states, which do not recognise Kosovo, experience similar specific national problems but under the significant and unfavourable obstacle that, unlike Spain, some of them are located in proximity to the region/ the state.

Even states which have recognised the independence of Kosovo demonstrate a lack of internal political consensus on this matter. Only a few days ago - on 12.02.2018 - the Austrian Vice Chancellor H. Strache declared "Kosovo is without a doubt a part of Serbia. We have severely criticized Austria's recognition of Kosovo but it is a fact that can no longer be changed", said he, and then added "I think that recognition of Kosovo is a matter for Serbia alone. To pressure on the country because of that would be wrong..." This necessitated a reaction from the minister of foreign affairs K. Kneissl who declared that Austria's recognition of Kosovo is an irreversible fact.

Considering these clear signs for the degree of European consensus on this matter, the strengthening of Serbia's position illustrated above is not a surprise. According to a declaration of A. Vučić from 2.02.2018 - the decision of the Spanish government to exclude Kosovo from the EU enlargement negotiations is logical. This decision is probably logical for the EU as well, as the outlined European perspective for Kosovo does not have a clear vision. According to the strategy, Kosovo has an opportunity for sustainable progress through implementation of the Stabilisation and Association Agreement and of advancement on its European path once "objective circumstances" allow. In other words, Kosovo's path towards EU depends on "objective circumstances". The connotation of this term is enigmatic. However, the former "Kosovo gift" is probably a circumstance of that kind. The inclusion of Bulgaria and Romania in the negotiations process in 1999 is due not as much to the progress in their preparation for membership but to a large extent to the strategic cooperation with NATO in the attempts to overcome the former Kosovo crisis.

However, when in the formulation of an enlargement policy, in parallel with the permanent principles of conditionality, changing circumstances related to specific national interests play a decisive role - this creates premises for risk in its implementation. The Bulgarian case is evident for this result. The contradiction between the fundamental goals of the enlargement policies towards the Western Balkans and the designed strategic approach is obvious. The ultimate aim of this policy is to guarantee the security and stability of the EU by the accession of a region with a high potential for destabilization. The following question arises - If Serbia formally normalizes its relations with Kosovo, but under conditions of accession of Kosovo to the EU with the relevant "objective circumstances", would this solve the Kosovo problem, so the risks of destabilization in the region are lastingly overcome?

This is more likely not guaranteed. The Kosovo matter will be resolved when the "objective circumstances" allow, not when Serbia meets the condition for good neighbourly relations. In other words, the condition is not unconditional because of the unresolved issue on behalf of the EU, not on behalf of Serbia. The limited European consensus on a foreign policy matter resulting from the specific national interests is a logical outcome of the course of the integration process and the formation of the EU Common Foreign Policy. The projection of the specific national interests in the enlargement policy, however, is not in accord with its basic instrument - the conditionality policy, which depends on the imperativeness of the conditions as an instrument for executing pressure on the politics of the candidate states. According to the principles of this policy, the accession of new member states depends on the obligatory fulfilment of the set conditions, not on changes in the circumstances, interpreted as appropriate according to the particular national cases.