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Is the triadlogue unfreezing? European Union, Serbia and Kosovo

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*Is the triologue unfreezing? European Union, Serbia and Kosovo****Beatriz Cózar Murillo****Doctoral candidate in Legal and Political Sciences**Pablo de Olavide University, Seville****Abstract***

2020 comes forward as a key year for the future of the Western Balkans. The European Union has a new opportunity to get Belgrade and Pristina to restart bilateral talks after several years in which the situation has only got worse. These were years of political instability and fragile dialogue which led to an impasse in the implementation of the agreements adopted thanks to the role of the European Union. The controversial decisions taken by Kosovo and the possible solution to the dispute will be analysed in depth in this paper, as well as the role of old and new actors in the region. Achieving progress on the path of integration of Serbia and Kosovo is presented as an arduous task for the new European leaders in a context marked by the need to regain credibility in the Western Balkans and the uncertainty of the post-Covid-19 scenario.

Keywords

European Union, Western Balkans, Serbia, Kosovo, Dialogue, Enlargement, Neighbourhood

Introduction

The Western Balkans have always been characterised by political instability and a high number of bilateral disputes between them. A political climate that has become more volatile in recent years, due to increased tensions as a result of controversial decisions or the polarisation of society that has even led to an atmosphere of protest against the national authorities.

In particular, the bilateral conflicts between Belgrade and Pristina have always been present and have become part of both the history of the disintegration of Yugoslavia and of Europe in general. The most controversial issues revolve around the final status of Kosovo and the non-recognition by Serbia or the disagreements over Serbian municipalities in Northern Kosovo.

The analysis of such controversial decisions as the imposition of 100% tariffs by Kosovo on products from Serbia and Bosnia and Herzegovina or the transformation of the Kosovo Security Force into an Army, together with the possible proposal for the solution of the dispute that involves territorial exchange, will be key to being able to foresee future scenarios. This is without prejudice to the internal political scenario of both countries. On the one hand, Serbia has called for elections on 21 June and, on the other, the recently formed Kosovo Government has not overcome the motion of no confidence made to Prime Minister Kurti just 51 days after he took office.

The year 2020 therefore presents itself as a key year on many of the fronts opened up by both the European Union and its partners in the Western Balkans, especially with the recent emergence of the Covid-19 which has meant a change in the plans and agendas of European, national and local leaders.

The European Union has always had the Balkan Six in mind when dealing with the Neighbourhood and Enlargement Policy and, after slowing down progress in recent years, the new European Commission presents itself as an engine for promoting good neighbourly relations, both between the EU and the Western Balkans and between the countries of the region.

Thanks to this new political impetus and the less reticent position of the Member States with regard to the accession of new countries to the club, the European External Action Service, through the High Representative and Vice-President of the Commission, Josep Borrell, intends to turn the situation around and begin *the unfreezing* of the triologue between the European Union, Serbia and Kosovo.

Background: period 2011 – 2016

In order to understand the state of the internal dispute between Serbia and Kosovo in 2020, it is necessary to know the background that has marked the last years in which the

European Union was characterized as the *facilitator* in a Dialogue process between 2011 and 2015.

For Serbia, the main motivation for dialogue was the prospect of EU membership, especially after the setback to its policy on Kosovo following the ruling of the International Court of Justice in 2010. The Court held that Kosovo's unilateral declaration of independence had not amounted to a violation of international law. In addition, a joint draft was submitted to the United Nations requesting the transfer of the pending resolution issues between Serbia and Kosovo to the Union's Institutions.

This led Serbia to take a more pragmatic position on Kosovo, although the government did not want to choose between Brussels or Kosovo, but wanted both. For its part, Kosovo stated that the Ahtisaari¹ package and the territorial and constitutional integrity were non-negotiable and specified its objectives in the integration of the north of the country and the normalisation of relations with Serbia.

For Kosovo, the possibility of concluding the Stabilisation and Association Agreement with the Union was attractive. However, this was not the only interest at stake, as for Serbia, visa liberalisation, for example, was a major attraction. In the same way, the Dialogue between Belgrade and Pristina was also intended to soften the position adopted by Serbia. Thanks to its allies it is preventing Kosovo from joining the United Nations as well as getting the recognition of this country by other States².

In this way, the so-called “*technical talks*” began in March 2011 in Brussels. As a result, the European Union demonstrated that it was prepared to act as a *facilitator* in a Dialogue process between two countries whose initial positions were diametrically opposed³. Generally speaking, Serbia had not and would not accept Kosovo's statehood⁴, thus maintaining the old mantra “*Kosovo is Serbia*”. In the meantime, Kosovo insisted that the Ahtisaari package was the only alternative to guarantee the rights of Serbs on its territory.

Throughout the Dialogue process, two phases can be distinguished. The first led by the diplomat and adviser to the European External Action Service (EEAS), Robert

¹ Plan of proposals presented by Martti Ahtisaari, former President of Finland and Nobel Peace Prize winner in 2007 in his capacity as UN Security Council Special Envoy to lead the negotiations on the final status of Kosovo.

² BALIQI, Bekim, “Dialogue Kosovo – Serbia. Normalization of reports of mutual recognition?”, Policy Brief Kosovo, SSRN Electronic Journal, January 2013, p. 7.

³ See EUROPEAN UNION, “Declaration by High Representative Catherine Ashton on behalf of the European Union on ICJ advisory opinion”, June 2010, available on http://europa.eu/rapid/press-release_PESC-10-213_en.htm

⁴ See GUTIÉRREZ ESPADA, Cesáreo, and Cervell Hortal, María José, “Acuerdo, de 19 de abril de 2013, sobre los principios que rigen la normalización de las relaciones entre Serbia y Kosovo, con la mediación de la Unión Europea”, Revista española de derecho internacional, Vol. 65, No. 2, 2013, pp. 341 -349.

Cooper, from the first meeting in March 2011 until May 2012, and the second from October 2012 onwards under the leadership of the High Representative Ashton. During the first phase, a number of agreements were reached on the following issues: civil registration, freedom of movement, recognition of school and university diplomas, customs stamps, land registration and integrated border management. Of particular importance was the agreement reached on 24 February 2012 on regional representation and cooperation, which allowed Kosovo to participate and sign new agreements on its own and to speak for itself at regional meetings under the new name “Kosovo*⁵”. A few days later, on 1 March 2012, the EU granted Serbia the candidate status⁵.

On 2 April 2013, when the eighth round of negotiations between Dačić and Thaçi failed to reach agreement, the High Representative declared the end of the negotiations. In this context, she warned both presidents that if they want the Commissioner Füle and herself to advise on the Council to open the door to closer relations with the EU, they had about two weeks to seek a commitment from their electorate⁶. Only two further rounds were needed for Ashton to see her goal fulfilled.

Thus, on 19 April 2013, the “First Agreement on the Principles Governing the Normalisation of Relations” between Serbia and Kosovo was signed at the headquarters of the EEAS. Therefore, and this has been highlighted by the doctrine, the approach to the problem by Brussels under the “*carrot and stick*” method had an effect on this procedure. According to Lehne⁷, this approach meant that the Dialogue had a rare dual nature. On the one hand, it was a matter of solving the problems between the two countries and, on the other, of meeting the necessary conditions to make progress towards accession negotiations.

As regards the nature and content of the Agreement, it should be stressed that it is a non-binding political agreement and therefore does not create any obligations for the parties under international law. It could fit in the figure of the so-called “gentlemen’s agreements” or memoranda of understanding (MOU).

Furthermore, the Agreement has been accused of a high degree of ambiguity in the wording of its various paragraphs⁸. However, if the text had not been of this nature, it

⁵ In this regard, see *European Council, “Conclusions of 1 and 2 March 2012”*, available on <http://data.consilium.europa.eu/doc/document/ST-4-2012-INIT/en/pdf>

⁶ BLOCKMANS, Steven, “Facilitated dialogue in the Balkans vindicates the EEAS”, Policy Contribution, CEPS, April 2013, p. 2, available on <https://www.ceps.eu/publications/facilitated-dialogue-balkans-vindicates-eeas>

⁷ LEHNE, Stefan, “Serbia – Kosovo Deal Should Boost the EU’s Western Balkans Policy”, Carnegie Europe, April 2013, available on <http://carnegieeurope.eu/2013/04/23/serbia-kosovo-deal-should-boost-eu-s-western-balkans-policy-pub-51582>

⁸ For further details, see RELJIĆ, Dušan, “EU Facilitated Dialogue: Another exercise in constructive ambiguity”, CEPS, August 2015, available on <https://www.ceps.eu/publications/eu-facilitated-dialogue-another-exercise-constructive-ambiguity>

might not have been possible for Kosovo and Serbia to sign it. As we pointed out in the previous paragraph, the initial positions of these countries were completely opposite, although they subsequently became more flexible throughout the conversations. This ambiguity or lack of precision made it possible to accommodate the claims of one party without rejecting those of the other. In addition, the text of the Agreement itself shows that it is not self-executing, while a committee will be set up by both parties to implement it, again with the intervention or mediation of the Union.

Overall, the Agreement rests on three main axes: the establishment of an Association or Community of Serb-majority municipalities in Kosovo, the integration of Kosovo Serbs into the Kosovo security and judicial system, and issues related to municipal elections. The establishment of the Association together with the provision that “neither side will block, encourage others to block, the other side’s progress in their respective EU paths”⁹ form the hard core of the Agreement. This is not a trivial issue insofar as if Serbia were to join the European Union in the first place, once in, it would not be able to vote against the Council’s decision on the conclusion of Kosovo’s Accession Agreement. Similarly, Serbia will not be able to choose not to ratify that Agreement in accordance to its national law. In other words, the signing of this agreement means that Serbia cannot prevent Kosovo’s accession in the future on the basis of Article 49 of the Treaty on European Union¹⁰.

The second round of agreements between Belgrade and Pristina was successfully concluded on 25 August 2015 thanks also to the European Union after the launch of the Berlin Process. These agreements cover the following areas: establishment of the Association or Community of Serb-majority municipalities in Kosovo, energy, telecommunications and the opening of the Mitrovica Bridge. Following this new achievement, Kosovo signed the Stabilization and Association Agreement with the European Union in April 2016¹¹. At the time of the adoption of the agreements between 2011 and 2015 – and some specific ones in development of the main agreements in 2016 – these could be considered a success both for the European External Action Service and the EU in general, and for the Western Balkans.

⁹ See Paragraph 14 of the Agreement, available on <https://www.srbija.gov.rs/cinjenice/en/120394>

¹⁰ Some reflections of GUTIÉRREZ ESPADA, Cesáreo, and CERVELL HORTAL, María José, *op. cit.*, p. 346, are particularly interesting, as they highlight Serbia’s determination to ensure that paragraph 14 of the Agreement covers only the European Union, thus leaving open the possibility of preventing Kosovo’s entry into other international organizations such as the United Nations.

¹¹ Council Decision (EU) 2016/342 of 12 February 2016 on the conclusion on behalf of the Union of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part (OJ L 71, p. 1)

However, these agreements were either not implemented or were only partially implemented and became a *paper tiger* when the political will that drove their adoption disappeared. Some of these agreements had a strong symbolic character, both at the political and social level, as the opening of the Mitrovica Bridge that has become an icon of the division between those on either side of the Ibar River.

An understanding of this background, together with the subsequent sections, will provide an overview of the issues that remain to be resolved between Serbia and Kosovo even in 2020 and with no clear future scenario in sight.

Controversial decisions ignited the dispute

Since 2015, progress in concluding and implementing agreements has been minimal and throughout 2017 and 2018, tension began to rise due to certain events. Examples include the appearance of a Serbian train decorated with the words “Kosovo is Serbia” in twenty-one languages that went to the Serb-majority territory of northern Mitrovica; or the assassination in northern Kosovo of Oliver Ivanović, a Kosovo-Serb politician and leader of the Serb minority in the territory.

In view of the deadlock of the dialogue, it was the presidents of Serbia and Kosovo themselves who proposed in August 2018 the possibility of a “*border correction*” or an exchange of territories in northern Kosovo for Serbian territories with an Albanian majority as a possible solution to their dispute. However, soon after, Kosovo raised its tariffs on goods imported from Serbia and Bosnia and Herzegovina to 100 per cent and decided to transform its Security Force (KSF) into an Army.

These decisions by the Kosovo government, combined with Serbia’s active smear campaigns towards Kosovo’s territory in the international arena, have been the perfect breeding ground for the Dialogue to freeze over the past few years.

Kosovo raises tariffs on goods imported from Serbia and Bosnia-Herzegovina to 100%

On 21 November 2018 the Kosovo government announced its decision to raise tariffs on products from Serbia and Bosnia and Herzegovina from 10 to 100%. This decision, in turn, entails another one which supposes nothing less than preventing the entry of any goods into the territory of Kosovo that do not make explicit reference to the name referred to in its Constitution; “Republic of Kosovo”. All this, combined with the Kosovo’s decision to withdraw all products bearing the label “Kosovo and Metohija” (the name that Serbia gives to its former province). This manoeuvre by the Kosovar government is only fuelling the tension that already exists. On the one hand, Kosovo is causing a blow to trade in the area and on the other, is trying to force at least tacit recognition by Belgrade and Sarajevo.

As Huszka¹² rightly points out, the issue of labelling is just as important to Serbia as the tax, but they now have a good argument for not selling products to Kosovo. This author adds that the problem, however, will come when the tariff is removed because Serbia will still not accept the use of the label required by Kosovo. Although there is already talk of possible solutions such as the relabelling of products at the border.

This tariff measure came one day after Interpol refused to accept Kosovo as a member for the third time by failing to achieve the required two-thirds majority vote. In part, Kosovo did not obtain the membership status as a result of pressure from Serbia and Russia. This decision was so well received by the Serbian government that its Interior Minister did not hesitate to publish a photograph with the word “Victory” from the place where the vote was held. In the face of this, Pristina is hiding behind the fact that the tariff increase is nothing more than a response to Serbia’s ongoing aggressive campaign against Kosovo on the international stage¹³.

This decision was described by the former High Representative Federica Mogherini as a “clear violation” of the Central European Free Trade Agreement (CEFTA), as well as of the “spirit of the Stabilisation and Association Agreement between the EU and Kosovo”¹⁴. Similarly, in the same statement, the High Representative stressed that the decision further exacerbates the situation after the initial imposition of the 10 per cent and urged the Kosovo government to revoke the measures immediately.

The call to reverse the actions has been reiterated on several occasions. For example, in March 2019 by David McAllister, Chairman of the European Parliament’s Foreign Affairs Committee, on his visit to Kosovo¹⁵; or in April 2019 by the Commissioner for the European Neighbourhood Policy, Johannes Hahn, after meeting with the President of Kosovo in Brussels and that it was posted on his Twitter profile.

However, both positions clash with the Dialogue nature as Kosovo blocks trade

¹² HUZSKA, Beáta, “The power of perspective: Why EU membership still matters in the Western Balkans”, European Council on Foreign Relations, January 2020, pp. 13-14, available on https://www.ecfr.eu/publications/summary/the_power_of_perspective_why_eu_membership_still_matters_in_western_balkans

¹³ MATIAS, Bárbara, “An Analysis of the Recent Developments In the Kosovo Serbia Dialogue: A perspective from Brussels”, Group for Legal and Political Studies, Policy Analysis, 06/2019, April 2019, p. 6, available on <http://www.legalpoliticalstudies.org/an-analysis-of-the-recent-developments-in-the-kosovo-serbia-dialogue-a-perspective-from-brussels/>

¹⁴ EUROPEAN EXTERNAL ACTION SERVICE (EEAS), “Statement by Federica Mogherini on the Kosovo Government decision on taking from Serbia and Bosnia and Herzegovina”, November 2018, available on <https://eeas.europa.eu/delegations/peru/54242/statement-federica-mogherini-kosovo-government-decision-taxing-goods-serbia-and-bosnia-and-en>

¹⁵ EUROPEAN EXTERNAL ACTION SERVICE (EEAS), “Remarks by the Chair of EP Foreign Affairs Committee Mr. David McAllister”, March 2019, available on https://eeas.europa.eu/delegations/kosovo/59007/node/59007_fa.

while Serbia leads international pressure campaigns that do not favour reconciliation either¹⁶. So far, there are no reports of any pressure from EU officials on the Serbian government in relation to these campaigns against Kosovo.

It may seem that this action has obstructed the whole process of dialogue, but the truth is that it was nearly stagnant from before. Most of the agreements adopted between Pristina and Belgrade have not been fully implemented and the political momentum of the years 2013 and 2015 had faded long before the Kosovo government's drastic decision. What is undeniable is that there has been a disturbance of the *status quo* along with new demands from both sides. On the one hand, Kosovo wants to base negotiations on the "principles of mutual recognition"¹⁷ and then considering the tariff suspension. On the other hand, Serbia is not prepared to restart the conversations until the tariffs are lifted and, in this sense, has conveyed the message to the President Donald Trump¹⁸.

The United States is one of the main international actors with influence and *soft power* over Kosovo. So, in view of the increasing tensions, Donald Trump urged in a letter to the Kosovar government to do everything necessary to reach a lasting agreement with Serbia. Not only did he send a letter, but he also published a memorandum on the subject in which he emphasizes that he has invested heavily in the success of Kosovo as an independent and sovereign state, but that this support is not unconditional. He also stressed that Kosovo is responsible for undermining the success of the Dialogue process¹⁹. On the other hand, the Berlin Summit in April 2019 also failed to reach any conclusion on the continuation of the dialogue and cancelled the next meeting scheduled for July in Paris.

To illustrate the extent of the gap that the Kosovar government has deepened with this decision, the Serbian news agency Tanjug called this decision "the main political challenge and the most difficult situation" since Kosovo's declaration of independence in 2008²⁰. From a more practical and visual point of view, with the rise in tariffs the famous Bambi Plazma cookies are hardly found in Kosovo's shops. This is a curious fact,

16 MATIAS, Barbara, *op. cit.*

17 Balkan Insight, "Kosovo Sets Conditions to Drop Tariffs on Serbian Imports", January 2019, available on <https://balkaninsight.com/2019/01/29/kosovo-uses-tariffs-as-bait-for-a-final-agreement-with-serbia-01-29-2019/>

18 EURONEWS, "Serbia to resume Kosovo talks only after it scraps tariffs, Vucic tells Trump", January 2019, available on <https://www.euronews.com/2019/01/31/serbia-to-resume-kosovo-talks-only-after-it-scraps-tariffs-vucic-tells-trump>

19 EUROPEAN WESTERN BALKANS, "US State Department urges Kosovo to revoke tariffs, says support is not unconditional", January 2019, available on <https://europeanwesternbalkans.com/2019/01/15/us-state-department-urges-kosovo-revoke-tariffs-says-support-not-unconditional/>

20 LA VANGUARDIA, "Kosovo increases its tariffs for Serbian products to 100%", November 2018, available on <https://www.lavanguardia.com/politica/20181121/453083855133/kosovo-aumenta-sus-aranceles-para-productos-de-serbia-al-100-.html>

to say the least, because neither under Milošević in its darkest years during the NATO bombing campaign against Yugoslavia in 1999, nor when Kosovo's independence was disputed, did these cookies disappear²¹. Therefore, not finding these cookies easily in Kosovo is a clear and palpable sign to the population of how the tension has increased between Pristina and Belgrade.

The transformation of the Kosovo Security Force into an Army

A few days after the adoption of the vigorous tariff measure, Kosovo approves the transformation of the Kosovo Security Force (KSF) into an Army. In the present dispute, continues to *pour oil upon the flames* and aggravate the situation.

The Kosovar authorities describe this decision as a historic step that consolidates their sovereignty. It shall be remembered that the security of Kosovo has been in the hands of KFOR since the end of the war in the 1990s between Serbian forces and Kosovar Albanian militias.

The approved law also provides for the creation of a Ministry of Defence and the definition of the conditions of service of the Army in the future. It is estimated that this army should have 5,000 troops and 3,000 reservists in the next decade²². Nowadays, KSF has 3,000 troops and, consequently, this intention to increase its capacities is confirmed by the 6 million euro increase in its defence budget for 2019 and the intention to increase it annually by 5 million euros²³.

For Serbia, it poses the “most direct threat to peace and stability in the region and to the security of the Serbian people living in Kosovo and Metohija”, as Serbian Foreign Minister Ivica Dačić told the Tanjug²⁴ news agency. The Serbian government does not end at this statement, but considers that the creation of the Army violates the UN Resolution 1244. Moreover, it deems that the decision contravenes the Kosovan Constitution itself by not allowing the Serbian minority in the country to vote. Therefore, the Serbian Government maintains that Pristina respects neither

²¹ WITTKOWSKY, Andreas, “Time for the EU to Refocus on Kosovo and the Region”, Carnegie Europe, September 2019, available on <https://carnegieeurope.eu/strategieurope/79790>

²² KULENOVIC, Sasa, “Western Balkans and the Return to Arms: Can the EU stabilize the region?”, Vocal Europe, Policy Paper, October 2019, available on <https://www.vocaleurope.eu/western-balkans-and-the-return-to-arms-can-the-eu-stabilize-the-region/>

²³ SURK, Barbara, “Kosovo Parliament Votes to Create an Army, Defying Serbia and NATO”, December 2018, available on <https://www.nytimes.com/2018/12/14/world/europe/kosovo-army-serbia-nato.html>

²⁴ SERBETO, Enrique, “La creación del Ejército kosovar genera inquietud en la OTAN y en la UE”, ABC, December 2018, available on https://www.abc.es/internacional/abci-otan-critica-decision-kosovo-crear-ejercito-propio-201812141256_noticia.html

international agreements nor its own rules²⁵.

The United States is involved in this controversy as it has been one of the actors that have most encouraged Kosovo to take this step, mainly because its territory is home to one of the largest American military bases in the world. The US embassy in Kosovo has supported the gradual transition of KSF by announcing that it is willing to work with this force to promote its professional development and organizational evolution. On the other hand, the US stressed that this decision does not imply any immediate change in the structures, missions and operations, urging the Kosovo Government to continue its close coordination with the allies and NATO²⁶.

For its part, NATO regretted the decision of the Kosovar Government and considered it an “ill-time” move as it would only add more tension to the dispute. Secretary General Jens Stoltenberg said: “NATO supports the development of Kosovo Security Force under its current mandate. With the change in mandate, the North Atlantic Council will now have to re-examine the level of NATO’s commitment to Kosovo Security Force”²⁷.

The transformation of the Kosovo Security Forces into an armed force, police cooperation issues and the development of security structures, hence will be other topics that should be addressed in a new agreement. Especially, if both parties do not wish to see disputes arise in the future that are additional to those they are already trying to address.

“Border correction” as a possible solution to the dispute

In August 2018, the Presidents of Serbia and Kosovo meeting in Austria concluded that a suggestion for the improvement of their relations could be a borders correction. This is one of the most controversial issues that went public in almost two years and about which nothing concrete is said.

The initiative is to transfer the Serb-majority part of northern Kosovo to Belgrade, and in return Kosovo could gain Albanian-majority districts in the Preševo Valley; territories adjacent to its southern border. According to the European Parliament

²⁵ *Íbid.*

²⁶ EUROPEAN WESTERN BALKANS, “NATO, USA reactions to the adoption of the laws concerning Kosovo Armed Forces”, December 2018, available on <https://europeanwesternbalkans.com/2018/12/14/nato-usa-reactions-adoption-laws-concerning-kosovo-armed-forces/>

²⁷ NATO, “Statement by the NATO Secretary General on the adoption of the laws on the transition of the Kosovo Security Force”, December 2018, available on https://www.nato.int/cps/en/natohq/news_161631.htm

data²⁸, Kosovo is still divided between Albanians and Serbs, as about 87% of Kosovars are ethnic Albanians and an estimated 150,000 Serbs comprise just under 8% of the total population.

Like any proposal, it entails advantages but also disadvantages. In terms of benefits, opting for a readjustment of the borders would mean resolving the status of Kosovo, as well as addressing the allegations of discrimination against the Albanian minority in Serbia that currently exist. The intrinsic advantage of this solution would be precisely to lay the foundations for a broader agreement between the two parties leading to reconciliation.

The European Union is open to this idea and this was stated by Federica Mogherini²⁹, subsequently supported by the Austrian Council Presidency at the time³⁰. The former High Representative insisted – bearing in mind the countries that are sceptical about the change in borders – that the EU would only accept an agreement in line with international and European law. That would be a controversial position to take, as Germany³¹ has already expressed fears that an exchange of territory could lead to violent campaigns to bring about further changes in the borders of the other Balkan countries, as well as the reopening of old wounds in the population.

Likewise, the United States has expressed a preference for this possible solution, provided that they reach a “mutually satisfactory agreement” between them. In addition, White House National Security Advisor John Bolton said: “We don’t think we’re going to solve it for them. We think they have to work it out for themselves”. This is a basic premise because no one is more familiar than them with the problems they face so as their claims. Even if they have intermediaries or powers that support them, there is no one better than the authorities Pristina and Belgrade to know the aspirations of each

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²⁸ RUSSELL, Martin, “Serbia – Kosovo relations. Confrontation or normalisation?“, European Parliament Research Service, Briefing, February 2019, p.4, available on [https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI\(2019\)635512](https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI(2019)635512)

²⁹ BARIGAZZI, Jacopo, “Mogherini defends Kosovo border change talks”, Politico, August 2018, available on <https://www.politico.eu/article/federica-mogherini-kosovo-serbia-defends-border-change-talks/>

³⁰ EU Observer, “Austria: EU would back Kosovo-Serbia land swap”, November 2018, available on <https://euobserver.com/tickers/143313>

³¹ EMMOTT, Robin, “Germany warns on Serbia - Kosovo land swap idea”, August 2018, available on <https://www.reuters.com/article/us-serbia-kosovo-eu/germany-warns-on-serbia-kosovo-land-swap-idea- idUSKCNiLGt8C>

territory and its share of concessions to the other side.

As for the drawbacks and objections to the measure, a partition of Kosovo on ethnic grounds could call into question the borders of other multi-ethnic states such as Bosnia-Herzegovina or even threaten peace in the region³². This argument was supported by numerous civil society organisations from Serbia and Kosovo in a letter to Federica Mogherini in which they warned precisely of a possible destabilisation of the Balkans³³. The letter expressed the topic in the following terms:

“More frequent mentions of the possibility of redrawing the borders send a very dangerous message to the citizens of Serbia and Kosovo, as well as to the entire region, that there is a real possibility of legitimizing a dangerous propaganda of ethnic ownership over the territory -- a principle that has pushed the region on several occasions into bloody conflicts”³⁴.

In addition to the opposition of neighbouring states such as Albania and Montenegro and the scant support of the Kosovar population and political parties in Kosovo, the Serbian Orthodox Church has argued that by accepting the northern part of Kosovo, Serbia would give up its claims on the rest of the country. Furthermore, an issue that is often overlooked when discussing the negotiations between Belgrade and Pristina is the fact that the Serbian Orthodox Church has many holy sites in Kosovo. The fact that it has four monasteries on the UNESCO World Heritage list was the main reason why Serbia opposed Kosovo's membership in the Organization. Perhaps issues related to cultural heritage or to property in Kosovo are not so significant at the political level in stabilizing the relationship, but they are at the social sphere for Serbs in Kosovo.

Once the thread is pulled it is difficult to stop, as countless corollaries arise. From an economic and strategic point of view, Serbia would take over a territory where the Kosovar resistance is stronger and where the Trepca mine and the Gazivoda reservoir that supplies Pristina with drinking water are located. Besides that, Kosovo would receive areas that are mostly Albanian but that are smaller and have less industrial weight, but it would get a railway and a highway that connects Macedonia and Greece.

Academic Florian Bieber's thoughts on this should be highlighted as he believes that both leaders – Thaçi and Vučić – are highly motivated by personal and political survival and power and not particularly concerned about the big political implications³⁵. Both

³² RUSSELL, Martin, *op. cit.*, p. 7.

³³ Radio Free Europe/Radio Liberty, “Bolton Says U.S. Won't Oppose Kosovo - Serbia Land Swap Deal”, August 2018, available on <https://www.rferl.org/a/bolton-says-u-s-won-t-oppose-kosovo-serbia-land-swap-deal/29451395.html>

³⁴ *Íbid.*

³⁵ BESWICK, Emma, “Serbia – Kosovo possible border changes explained: What's at stake?”, Euronews. August 2018, available on <https://www.euronews.com/2018/08/27/serbia-kosovo-possible->

presidents have avoided being clear on the issue and it has not yet been specified how the agreement would look like, but the questions raised by Bojović and Burazer³⁶ should be answered in order to conclude it:

1. Would such an agreement lead to the recognition of Kosovo's independence by Serbia, or would Serbia continue the policy of normalisation of relations without granting full recognition?
2. Would this agreement annul all the agreements reached in the EU-facilitated dialogue between Belgrade and Pristina and the requirements of Chapter 35 in Serbia's EU accession negotiations, or would existing arrangements and agreements be maintained, with their implementation still on the table?
3. What territories would actually be exchanged?

So far in 2020, these questions remain unanswered, although statements have been made. On one side, Hashim Thaçi continues to be supported by the US administration³⁷, while the Kurti government, as mentioned at the beginning of this article, was deposed only 51 days after taking office.

Prime Minister Kurti was not in favour of a land swap and said this clearly days before his dismissal after a successful motion of no confidence in an exclusive interview with Euronews. According to Kurti, all projects involving the correction of borders have failed in the past and will fail in the future in a way that he describes territorial solutions as “*a recipe for new conflicts and not for the peace they need*”³⁸.

In order to strengthen its position of non-alignment with President Thaçi, he sends a message to the European Union and, in particular, to the new High Representative. In this interview he states the following:

“Perhaps he [Borrell] should give new thinking to the entire problem of the Western Balkans for the sake of a European solution. Whoever denies this reality or tries to bring any kind of solution without accepting this State and the will of

[border- changes-explained-what-s-at-stake-](#)

³⁶ BOJOVIĆ, Đorđe, and BURAZER, Nikola, “Agreement on Comprehensive Normalization of Relations between Serbia and Kosovo”, CSP Think Tank, Political and Legal Analysis, November 2018, p.24, available on <https://centarsavremenepolitike.files.wordpress.com/2018/11/agreement-on-comprehensive-normalization-of-relations-between-serbia-and-kosovo.pdf>

³⁷ See Exit News, “Secret Kosovo – Serbia Land Swap Deal Could Fuel Conflict in the Balkans, US Expert Warns”, April 2020; y Perparim, Isufi, y Bami, Xhorxhina, “US Dismisses Kurti’s Claims About Secret Land Swap Talks” Balkan Insight, March 2020.

³⁸ PARROCK, Jack, “Kosovo PM Albin Kurti on Serbia, the impossibility of land swap and who Borrell should represent”, Euronews, February 2020, available on <https://www.euronews.com/2020/02/27/kosovo-pm-albin-kurti-on-serbia-the-impossibility-of-land-swaps-and-who-borrell-should-rep>

the people here is going to do more harm to herself or himself”³⁹.

This message is not only addressed to the High Representative and Vice-President of the European Commission, but also to a Spanish leader, so there are two messages. The first is to avoid the Spanish position when thinking about possible solutions in the Western Balkans, and the second is to try to exert influence through the High Representative in order to achieve recognition by Spain. This would leave only four EU Member States that do not recognise Kosovo as a State.

In short, a new delineation of borders may be relatively easy on paper, but it has nothing to do with reality. This land swap could cause more problems than those already existing in the Western Balkans, even if Kosovo were to gain recognition from Serbia and relations were to be normalised as a result. In Bieber’s⁴⁰ words, there will always be people on the wrong side’, because minorities will continue to live both in Serbia and in Kosovo and should be duly protected.

Despite recent precedents, Serbia and Kosovo are not Belgium and the Netherlands. Therefore, no comparable scenarios can be compared. Even if the legal obstacles stipulated in the Kosovan Constitution were overcome or a clear agreement reached rather than ambiguous terminology such as “correction of borders”, the region remains highly volatile. The debate for a reunification between Kosovo and Albania or Russia could be reopened by taking advantage of the situation in areas such as Crimea, Abkhazia, South Ossetia and Transnistria. Analysing how the dialogue between both sides has developed and how it has been frozen, it could not be guaranteed that betting on a land swap would not cause many problems. For instance, a new wave of nationalism, scenarios of ethnic violence as in 2004 or new conflicts in Serbia and Kosovo that would end up affecting the neighbouring states.

Is the European Union changing its role in the Western Balkans?

The EU has been present in Kosovo since 2008 through the civilian rule of law mission EULEX in Kosovo, which is mandated until June 2020. Furthermore, the EU is Kosovo’s largest aid donor for an amount of approximately €650 million in funding thanks to the Instrument for Pre-Accession Assistance⁴¹.

As analysed in previous sections, the European Union has acted as a mediator in the dispute between Serbia and Kosovo since 2011, reaching a total of 33 agreements, highlighting the so-called Brussels Agreement of 2013 and the Agreement of 2015 regarding the Serbian

³⁹ *Íbid.*

⁴⁰ *BESWICK, Emma, op. cit.*

⁴¹ *RUSSELL, Martin, op. cit., p. 2.*

majority population in northern Kosovo. And although they were once described as successful agreements, the truth is that the dialogue stalled in 2016 and the situation has continued to escalate. These two countries are living in constant strenuous *tug-of-war* and, above all, after the imposition of 100% customs duties by Kosovo on Serbian imports.

But not only have those who need to sit at both sides of the table got stagnated, but also the EU. In recent years the EU has found some bumps in the road to progress in relations with the Western Balkans in general. One of these was precisely the French veto in October 2019 of the accession talks with Albania and Northern Macedonia, which was a serious blow to the confidence of the Western Balkans in the EU. This was particularly noticeable in relation to Northern Macedonia, which was prevented from doing so when it had already managed to adopt the Prespa Agreement in 2018 to resolve its dispute with Greece. However, this situation has been reversed after the recent opening of negotiations with these two countries on 25 March 2020⁴².

In the case of Serbia and Kosovo, progress in opening and closing chapters and opening negotiations, respectively, entails the added difficulty of their intransigence positions in resolving their own internal dispute. Only time will tell whether these two countries, and those that remain, will become *the new Turkey*. In the same way, this is a condition of accession. The EU's aspiring member states must resolve their outstanding internal disputes in order to be able to complete the negotiations.

Good neighbourly relations have always been a requirement imposed by the Union, but for the Western Balkans the resolution of disputes has become a precondition insofar as "the EU cannot and will not import bilateral disputes and the instability they may entail"⁴³. Since the opening of accession negotiations with Serbia, the EU has strengthened the conditionality and allows progress if it verifies visible and sustainable improvement of relations with Kosovo.

In addition, one incentive given to the Kosovars was the granting of visa liberalisation if they met certain criteria, but the surprise was that, despite meeting the requirements, this promise was not fulfilled. Since July 2018 the Commission's proposal for a decision remains in the hands of the European Parliament and the Council.

All this means that the EU has also lost credibility and influence in this geographical area in recent years, although the new Commission led by Von der Leyen seems to be proactive, enthusiastic and willing to achieve a process of dialogue again.

Among the six priorities set by the new European Commission for the period 2019 - 2024, the objective of reaffirming the European perspective of the Western Balkan

⁴² In this respect, see European Council Conclusions of 25 March 2020, available on <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>

⁴³ EUROPEAN COMMISSION, "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A credible enlargement perspective and a stronger EU commitment for the Western Balkans", COM (2018) 65 final, 6 February 2018.

countries is expressly included in the so-called “A stronger Europe in the world”. The priorities are only very general and not very specific, but they often show a high degree of ambition. As far as the Western Balkans is concerned, the Union – and the Commission – in particular have taken significant steps in recent months.

In a later section will be set out what can be expected from this year, both on the part of the Union and the two countries on which this article focuses Serbia and Kosovo. For the time being, it can be anticipated that, in addition to the visit of the High Representative to the region a few days after that of Olivér Várhelyi, Commissioner for Neighbourhood and Enlargement, telephone conversations have been held with those concerned before the outbreak of covid-19 and during the current crisis.

Against this background, the following questions arise: What level of influence does the EU have in the Western Balkans? Can the EU continue to play a catalytic role in resolving ethnic and multi-ethnic conflicts as well as bilateral challenges in the region?

History could lead to the conclusion that incentives and pressure succeeds in the short term. It is mainly thanks to the signing of the technical agreements and the opening up to Kosovar representation in regional forums and institutions that Serbia obtained candidate status in 2012. Along with this example, a more recent one can be highlighted. In 2018, only two years ago the EU’s influence was still present and was visible with the signing of the border demarcation agreement between Montenegro – a candidate country – and Kosovo.

However, the fact that the EU continues to maintain influence does not mean that it is unlimited. This can clearly be seen in the partial or non-implementation of some agreements and the failure to prevent dialogue between the two sides from collapsing. Moreover, influence will remain high as long as the governments of the countries are truly interested in accession. If there is a loss of interest on the part of these governments and the EU does not show an active stance concerning the accession of new partners, influence will decrease.

Thus, if influence decreases, nationalism will gain momentum and the Serbian Orthodox Church in Kosovo and Montenegro could become another focus of conflict and even the Prespa Agreement would be threatened⁴⁴. Another fact to consider that clearly hinders the possibility of EU influence in Serbia and Kosovo is precisely the fact that they are not holding bilateral talks between them at the moment. As much as the Union and the United States publicly rebuked the events that fuelled the dispute in 2018, these two actors did not take a step forward to try to contain the situation and prevent further political deterioration.

Achieving a binding and lasting agreement is the real challenge when talking about

⁴⁴ HUZSKA, Beáta, *op. cit.*

Serbia and Kosovo. The EU is still able to play a catalytic role in the resolution of bilateral disputes in the Western Balkans and in Serbia and Kosovo in particular. Notwithstanding, the proof of this ability lies in strengthening the EU's position in an only bloc on enlargement and in demonstrating that EU Member States do indeed want to be involved in these regions. It is not all about giving the go-ahead to economic reforms without looking at the rest. For instance, the rule of law is still shaky on many occasions. It is now a question of getting everything left halfway back on track and of continuing to reverse the role of the *absent Union* that these countries have been able to perceive.

Old and new players in the region

Near the end of the first half of 2020, the European Union can no longer be expected to be the only player with real power and influence in the Western Balkans. The events of the last few years are proof that although the EU is the most suitable actor to act as a *facilitator* of dialogue, there are other actors who claim their parcel of influence day after day.

The role of the United States or NATO on certain issues has already been set out in previous paragraphs and, albeit it is no longer a member of the European Union, the role that the United Kingdom can also play should not be forgotten. In other words, although it is not a member of the club, it still holds a seat in the United Nations Security Council and has also taken a stand, for example, against the exchange of territories between Serbia and Kosovo as a possible solution to their disagreements.

The case of Russia and China will be analysed in depth as the divergences between their methods of gaining influence in the region allows for a clearer image of what is happening in the Western Balkans today.

Russia

From the rest of the European continent, the Russian giant is always in mind and is a feared shadow somewhat. This shadow grows longer and darker if the issue of the Western Balkans is addressed. It must be clear that Russia is and will continue to be trying to prevent those countries in the region that have not yet joined the EU or opened accession negotiations from doing so. With the goal of counterbalancing the influence of the rest of Europe, Russia sows discord wherever possible.

The same applies to the possible integration of these countries into NATO, which still remains an effective vehicle for aligning with partners in the Euro-Atlantic alliance. The West retains significant influence in the so-called "Western Balkan Six" or Berlin Process, where all countries except Serbia, which chose to be militarily neutral, wish to join NATO as well.

The International Institute for Strategic Studies argues⁴⁵ that it is easy to exaggerate the importance of Russian influence in the Balkans and to underestimate local leaders in the region who have the ability to play off Western, Russian and other external actors for money and political advantage.

However, Moscow has both *hard and soft power* tools as well as *sharp power*. On the one hand, “hard power” would be embodied by Russia’s military capabilities and economic instruments that mainly revolve around the energy sector, while “soft power” is related to religious issues and the shared history with some of these countries. This has been compounded by the role of the sharp power or those tools through which Russia manages to enter the scene and which are already quite well-known. As an example, this typology of power is identified with its campaigns of disinformation, disruption or dissuasion in some regions or areas.

The use of these tools in the Western Balkans would be part of Russia’s strategy to gain influence in the West as it could enable it to establish itself as a privileged player in European security affairs alongside some of the EU’s most influential Member States.

In respect thereof, Bechev⁴⁶, in its report for NATO’s STRATCOM entitled “Russia’s strategic interests and tools of influence in the Western Balkans”, points out that, because the former Yugoslav republics and Albania gravitate towards the West, its only option is to act in an obstructionist manner to undermine attempts to join the EU and NATO. Russia does so through feeding on the region’s own internal disputes and current deficiencies in its institutions. In this way, increasing its influence in countries like Serbia serves as an added advantage when competing with the strategies of Western actors. In this case, Russia has already forged alliances with Serbian leaders who, in return, gain greater influence on the Kosovo issue at the international level. It goes without saying, of course, that Serbia does not support and has not imposed sanctions against Russia for the annexation of Crimea. In the words of its own president, “Serbia cannot shoot itself in the foot”⁴⁷.

These alliances in practice translate, for example, into Serbia’s participation in Russian military exercises. However, this close relationship does not imply that Serbia does not seek EU membership or further rapprochement with NATO. In 2019, of the 17 military exercises Serbia conducted with other countries, 13 were developed with

⁴⁵ INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES, IISS, “Russia and the Western Balkans”, 2019, available on <https://www.iiss.org/publications/strategic-comments/2019/russia-and-the-balkans>

⁴⁶ BECHEV, Dimitar, “Russia’s influence strategic interests and tools of influence in the Western Balkans”, NATO Strategic Communications Centre of Excellence, 2019, available on <https://stratcomcoe.org/russias-strategic-interests-and-tools-influence-western-balkans>

⁴⁷ UAWIRE, Serbian President explains decision not to recognize Crimea as part of Russia, June 2018, available on <https://uawire.org/serbian-president-explains-decision-not-to-recognize-crimea-as-part-of-russia>

NATO members and only 4 with Russia⁴⁸.

With regard to the armament supply, Serbia has an agreement on military technical cooperation with Russia. On the basis of this agreement, the acquisition of 10 obsolete MiG-29 fighters, 30 T-72C battle tanks, 30 BRDM-2 armoured vehicles and MI-17 helicopters is planned. It is also possible to acquire MI-35 helicopters, Antonov An-2678 transport aircraft and even the Russian S-30079 air defence system⁴⁹. This modernisation of armament by Serbia – which continues to reiterate itself as militarily neutral – and Croatia, leads some to fear a possible repetition of the scenario of the 1990s, even if it is true that arms levels remain modest at a European level⁵⁰.

In view of this situation, the following question must be asked: What does Russia really have to offer the Balkans? It could be argued that Moscow does not have so much to offer in terms of economic development in these regions. Its actions are focused on sharp power methods that are effective in gaining influence and preventing the democratic progress of the regions driven by the EU to become Member States in the future, as well as their integration into the Atlantic alliance⁵¹. As a result, new actors are entering the region in which have more to offer at a glance.

China

In recent years, China has made a commitment to increasing its role in the Western Balkan region mainly through investment in infrastructure and telecommunications⁵². This is in direct conflict with Russia's position, which is trying to persuade these regions through religious and ethnic symbolism linked to the Orthodox Church. It is also a different position from that of Turkey, which is trying to influence the Muslim population. China, on the other hand, presents itself as a neutral power offering economic resources that the region needs.

A first thought when talking about China in the Western Balkans may lead to a wrong conclusion because they are small and developing economies with a high level of public debt in certain cases. However, the geographical position of Albania, Bosnia and Herzegovina, Kosovo, Montenegro, Northern Macedonia and Serbia is an important enclave on the Silk Road as they are the gateway to Western Europe

48 XHAMBASI, Visar, "The Illusion of Russian Influence on the Western Balkans", *The Globe Post*, January 2020, available on <https://theglobepost.com/2020/01/22/russian-influence-balkans/>

49 KULENOVIC, Sasa, op. cit., p. 12.

50 BERGHEZAN, Georges, "Croatia - Serbia: a mini arms race in the Balkans", Group for Research and Information on Peace and Security, Analytical Note, February 2019, available on <https://www.grip.org/fr/node/2729>.

51 XHAMBASI, Visar, op. cit.

52 Note the exclusion of Kosovo because it is not recognised by China.

These countries, with the exception of Kosovo, were on the “16+1” platform (now “17+1” due to the incorporation of Greece) from 2012 and became part of the Belt and Road Initiative (BRI) with the Western Balkan countries being a strategic investment focus.

Following the Belt and Road (BRI) Initiative announced in 2013 as a global project to try to “modernize” the Silk Road, China has made great strides towards its expansion. The most notable has been the purchase of the Greek port of Piraeus which now stands as the second largest port in the Mediterranean. On the one hand, the development of infrastructure in the Western Balkans enables China to better transport goods from Piraeus to the region; goods which will then be introduced into the Union’s single market. On the other hand, it should be understood that China is interested in strengthening the economies of these countries as they have the prospect of EU membership. However, as Doehler⁵³ points out, the BRI initiative is hindering the integration of the Western Balkans into the European Union in three ways: by encouraging so-called “debt trap diplomacy”, lowering environmental standards and perpetuating corruption.

This first way involves trapping countries with small economies – such as those of the Western Balkan – in order to obtain loans for infrastructure projects for which they cannot realistically afford to pay in the future.

The amount of Chinese investment in the region - not counting Albania – has reached 14.6 billion dollars between 2005 and 2019, with Serbia having the highest level of investment (10.3 billion dollars), according to data from the China Global Investment Tracker of the American Enterprise Institute⁵⁴. As Zeneli⁵⁵ points out, this represents 20 percent of total foreign direct investment, which is misleading aspect because 80 percent of it is in the form of loans and not real investment. These hidden investment loans could be considered an updated version of the Trojan horse.

Through this trap, countries become economically dependent on the Asian giant. Clear examples related to a key partner and pillar of its foreign policy in the region are the motorway project in Montenegro designed to connect the port city of Bar with Belgrade or the Belgrade-Budapest railway project. Both projects are 85 percent financed by Chinese banks. In the digital sector, there are also examples of Chinese presence. Huawei has supplied Serbia with surveillance equipment within the framework of the “Safe City” project and has established the Huawei Innovation

⁵³ DOEHLER, Austin, “How China Challenges the EU in the Western Balkans. Will the EU ultimately cede the Western Balkans to Beijing’s influence?”, *The Diplomat*, September 2019, Available on <https://thediplomat.com/2019/09/how-china-challenges-the-eu-in-the-western-balkans/>

⁵⁴ ZENELI, Valbona, “The Western Balkans: Low Hanging Fruit for China?”, *The Diplomat*, February 2020, available on <https://thediplomat.com/2020/02/the-western-balkans-low-hanging-fruit-for-china/>

⁵⁵ *Ibid.*

Centre⁵⁶ for Digital Transformation on its territory. Along with the acquisition of the facial recognition cameras, Serbia has also agreed to purchase nine Chengdu Pterodactyl-1 combat drones⁵⁷.

In spite of the increase Chinese presence in the region, this does not correspond to an increase in public debate on the issue. Thus, the balance leans towards China knowing how to use its advantage despite the geographical distance through soft power mechanisms such as the media, think tanks or Confucius Institutes. By promoting and developing this soft power, China is trying to get its political model imported into regions on the European continent and to gain a public perception in its favour. This is what is known as cultural diplomacy.

From what has been said in these lines, it could be understood that China has made a place for itself at all costs in the region, but the greater Chinese presence has also been possible in recent years due to the gap left by the European Union in these countries. This absence due to the lack of a clear or even reticent position on enlargement has contributed to the entry of new external actors in the region even though the European club is the largest provider of assistance to the Western Balkans.

Nevertheless, all of a sudden, the pandemic caused by covid-19 has arrived and is hitting the game board. Thus, the positions that the actors present in the region adopt will alter in one way or another the scenario in which they have been moving until now. Before the outbreak of the coronavirus, the European Union was already at a crossroads from which it was trying to emerge. But, in the face of this contingency, such an exit will have to take place with greater determination if the EU is not to see its sphere of influence undermined and to open the doors even wider to the consolidation of new actors in the Western Balkans.

What to expect from 2020?

At the end of 2019 the renewal of positions in the European Institutions was completed and everything was a flood of proposals, amendments to past actions and wishes for improvement, but the timetable for 2020 soon changed. With the outbreak and spread of covid-19, becoming a pandemic with real impact not only at European and national level but also globally, the efforts made in recent months have been towards the containment of the virus. However, the remaining issues, such as the

⁵⁶ In this regard, see CBS News, “Chinese facial recognition tech installed in nations vulnerable to abuse”, October 2019, available on <https://www.cbsnews.com/news/china-huawei-face-recognition-cameras-serbia-other-countries-questionable-human-rights-2019-10-16/>; Industry Europe, “Huawei To Open Innovation Centre In Serbia”, April 2019, available on <https://industryeurope.com/huawei-to-open-innovation-centre-in-serbia/>

⁵⁷ KULENOVIC, Sasa, *op. cit.*, p. 12.

approval of the Multiannual Financial Framework 2021 – 2027, the negotiations on the future relationship with the United Kingdom or the achievement of the European Green Deal goals are still on the table and the agenda must continue to be fulfilled.

With regard to the region covered by this article, looking ahead to 2020, the European Commission proposed four lines of action for what should be “*a key year for EU-Western Balkans relations*”⁵⁸. In particular:

1. Establish a revised methodology to advance the enlargement process with a stronger political imprint and in a more credible, predictable and dynamic way.
2. The decision by the Council on the opening of accession talks with Northern Macedonia and Albania.
3. The launch of proposals by the Commission to advance the EU-Western Balkans agenda with a strong emphasis on economic development.
4. Holding the EU-Western Balkans Summit in Zagreb.

These four axes are in line with the priorities set by the current Croatian Presidency of the Council for the first half of 2020. Croatia has encompassed its priorities under the title “A strong Europe in a world of challenges”⁵⁹ divided into four pillars: a Europe that is developing, a Europe that connects, a Europe that protects and an influential Europe. It is precisely the latter case that relates to the Western Balkans by emphasising that the EU’s credibility in international relations is also reflected in its approach to its own neighbourhood. In this respect, the Croatian Presidency points out that will pursue a guarantee of progress in South-East Europe through the promotion of reform processes in these countries and regional cooperation, the continuation of a credible and effective enlargement policy, and the fulfilment of the criteria set out at the forthcoming EU-Western Balkans Summit.

As soon as January arrived, this agenda began to be implemented, firstly through phone calls and visits to the region. The first one to travel to Albania and Northern Macedonia was the European Commissioner for Neighbourhood and Enlargement, Olivér Várhelyi, precisely because of these countries’ accession prospects and to send out a message of support for the proposal to open negotiations. Barely two months later, as has already been mentioned, on 25 March the Council, with the support of the European Council, decided to proceed with the opening of negotiations with these two countries.

However, prior to this decision, on 5 February the Commission set out its proposal for a change in methodology to advance the EU accession process under the slogan “A

⁵⁸ EUROPEAN COMMISSION, “Relaciones UE – Balcanes”, February 2020, available on https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eu-western-balkans-relations_es.pdf

⁵⁹ COUNCIL OF THE EUROPEAN UNION, “The Presidency of the Council of the EU”, 2020, available on <https://www.consilium.europa.eu/es/council-eu/presidency-council-eu/>

more credible, dynamic, predictable and political EU accession process”⁶⁰.

The words used to give force to this motto can be considered the right or adequate ones to promote a real change as long as the implications are not forgotten. Credibility must be strengthened and the EU intends to do this through an even more intense focus on fundamental reforms, such as the rule of law or the functioning of democratic institutions. The EU should be “dynamic” when grouping the negotiating chapters and “predictable” in the sense that the European Commission makes clear what it expects from potential candidates for accession just like the positive and negative consequences of internal progress such as incentives or sanctions.

Although in the title the term “political” appears last, in the document provided by the Commission, it is explained secondly precisely because of the importance that the political component has in all the Union’s initiatives. Thus, the Commission emphasises that the accession process requires “*a stronger political imprint and commitments at the highest levels*” accompanied by a call for States to be more systematically involved in monitoring and reviewing the process. Everything will depend on political will and commitment, once again, because one can agree until a State, against all odds, puts up a blockade with a veto.

Around the time that this proposal for a change in methodology was published, the High Representative made his first official visit to Kosovo and Serbia, respectively, after having had telephone contact with both presidents. On the one hand, in Kosovo⁶¹, HR/VP Josep Borrell stressed the idea that he was there to offer his collaboration in facilitating dialogue with Serbia and to ask for the trust of both presidents in order to do so. He described the facilitation of the Dialogue as one of the top priority issues during his term of office and confirmed the idea that the European Union is not complete without the Western Balkans. He added that Kosovo should be included in the European Green Deal and launched an EU-funded project to improve air quality in the territory.

In Serbia, on the other hand, he conveyed a message of commitment to strengthen the ties between Serbia and the European Union, as well as his vision of bringing Serbia and the Western Balkans in general closer to the EU⁶². He also admits that

60 EUROPEAN COMMISSION, “A more credible, dynamic, predictable and political EU accession process – Commission lays out its proposals”, February 2020, available on https://ec.europa.eu/commission/presscorner/detail/es/IP_20_181

61 For more information see Council of the European Union and European Council, “Josep Borrell, High Representative for Foreign Affairs and Security Policy, visits Kosovo on 30 January 2020”, January 2020, available on https://newsroom.consilium.europa.eu/events/20200130_-eu-hr-borrell-visits-kosovo

62 EUROPEAN COMMISSION, “Serbia: Remarks by HR/VP Josep Borrell at the press point with Aleksandar Vučić, President of Serbia”, January 2020, available on https://ec.europa.eu/neighbourhood-enlargement/news_corner/news/serbia-remarks-hrvp-josep-borrell-press-point-aleksandar-vu%C4%8Di%C4%87-president-serbia_en

faster progress in accession negotiations is possible, but that increased efforts must be made not only by Serbia, but also by the EU itself. In this regard, and in keeping with what was said in Kosovo, Josep Borrell pointed out that talks between the two countries must begin soon and that the European Union is ready to facilitate them.

In the light of all these facts, therefore, by the end of March the EU had at least complied on paper with the launch of actions in its first two pillars: a new methodological approach and the opening of negotiations with two of the candidate countries. The remaining two were addressed at the EU-Balkans Summit scheduled for 6 May by videoconference due to the health crisis.

In these turbulent days when the spread of the covid-19 has been increasing, the European Union has not left the Western Balkans out. Proof of this has been the announcement by the European Commission of support for the region totalling EUR 38 million to support the health sector and the reallocation of EUR 374 million from the Instrument for Pre-Accession Assistance (IPA) fund to support⁶³ social and economic recovery. Serbia, as the country in the area most affected by covid-19, will receive EUR 15 million and EUR 78.4 million, respectively. Kosovo will receive EUR 5 million for immediate support to the health sector and EUR 63 million to alleviate the economic and social impact. Similarly, ahead of the EU-Western Balkan Summit the European Commission announced the mobilisation of more than EUR 3.3 billion⁶⁴.

This measure was repeated on 6th May at the EU-Western Balkans Summit in Zagreb where the Commission was urged to present a sound economic and investment plan for the region that focuses on stimulating and making its economies more competitive. The Zagreb Summit itself can already be considered a milestone, as the previous ones took place in 2000, 2003 and 2018, despite the fact that it was held via video conference due to the coronavirus crisis.

In the resulting Declaration the EU reaffirms its unequivocal support for the European perspective of the Western Balkans and the EU confirms the position it has taken in recent months by highlighting the actions undertaken⁶⁵. Both the EU and the Western Balkan partners are aligned on issues such as the protection of minorities, the prevention of and fight against terrorism and extremism, or the further achievement

⁶³ EUROPEAN COMMISSION, “EU mobilises immediate support for its Western Balkan partners to tackle coronavirus”, March 2020, available on https://ec.europa.eu/commission/presscorner/detail/en/IP_20_561; Infographics of the EU response to the coronavirus pandemic in the Western Balkans available on https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/coronavirus_support_wb.pdf.

⁶⁴ EUROPEAN EXTERNAL ACTION SERVICE (EEAS), “HRVP Josep Borrell – The EU proves to stand by the Western Balkans”, April 2020, available on https://eeas.europa.eu/headquarters/headquarters-homepage/78235/hrvp-josep-borrell-%E2%80%93-eu-proves-stand-western-balkans_en

⁶⁵ EUROPEAN COUNCIL, “Zagreb Declaration”, May 2020, available on <https://www.consilium.europa.eu/en/press/press-releases/2020/05/06/zagreb-declaration-6-may-2020/>

of results in the fight against corruption and organised crime. They agree to strengthen cooperation in fighting misinformation, in prioritising energy security and in tackling challenges such as migration together.

Even at this visit to Serbia, the High Representative referred to Serbia's participation in EU missions in Somalia, Mali and the Central African Republic in order to express his wish to intensify cooperation between the two parties in the field of foreign policy. This intention has been reflected in the Zagreb Declaration and both sides expect further intensification of cooperation in the field of the Common Foreign and Security Policy (CFSP).

Furthermore, this Declaration does not leave out the references to good neighbourly relations and, as far as this analysis is concerned, it refers to Serbia and Kosovo in two of its points. On the one hand, EU referred to them by stating that they welcome the recent appointment of an EU special representative for the Belgrade-Pristina Dialogue and other regional issues. On the other hand, the EU points out in the penultimate paragraph of the Declaration the readiness of EU leaders to revitalise political dialogue with the Western Balkans through regular high-level dialogues in particular.

As it is a political declaration, the measures are not fully outlined and, although it does not shed much light on how the Serbia-Kosovo Dialogue process will be conducted, it is a first step for both parties to hold talks with the mediation of the European Union.

However, the surprise these days comes from Spain. For the first time, a Spanish President is taking part in a Balkan Summit in the presence of Kosovo's leader, Hashim Thaçi⁶⁶. But the government is also relaxing its position on the idea of recognising Kosovo if the dialogue between Serbia and Kosovo is successful. Although it is true that in order to attend the meeting, even if it was held by telematic means and very brief, the Executive insisted on two requirements: the absence of flags behind the different leaders and to name them only by their name, and not their position; and to specify that the summit is not an enlargement summit as such.

Sooner or later this is a debate that both Spain and the other four Member States that do not recognise the former Serbian province will have to hold. With this decision, what Spain does make clear, beyond its real openness to the idea of recognition, is the conviction that it must attend high-level summits. Moreover, Serbia also participates in these summits and is the main opponent of international recognition of what it still considers part of its territory. In practice, if Spain were to recognise Kosovo – an event that is unlikely to happen in the short term due to the pace at which the dispute with Serbia is progressing – it could ignite its own internal debates.

⁶⁶ ABELLÁN, Lucía, “España participa por primera vez en una cumbre de los Balcanes con presencia del líder de Kosovo”, *El País*, May 2020, available on <https://elpais.com/espana/2020-05-05/espana-participa-por-primera-vez-en-una-cumbre-de-los-balcanes-con-presencia-del-lider-de-kosovo.html?fbclid=IwAR3aS-a5Oc3K5YRxbjqlqWT9yv7cXF83l8rFVuAvBIClgpc5RogWynJcMI>

Taking into consideration the events and meetings of recent months, it is more likely that Kosovo will now be inclined to suspend the tariffs imposed on products imported from Serbia and Bosnia and Herzegovina in order to overcome the first major obstacle in the Dialogue process. However, the domestic circumstances that both Serbia and Kosovo will have to deal with once the coronavirus storm has abated should not be overlooked either.

On the one hand, the elections in Serbia will take place on 21 June after the postponement due to covid-19, while on the other hand, in Kosovo, the creation of a coalition government is already being addressed instead of new elections. The outcome of the formation of the new governments will also determine the future of the Dialogue. In Kosovo, Thaçi will seek the formation of a government that aligns with his policies, unlike the one led by Kurti. That government had already expressed its intention to lift tariffs on goods imported from Serbia and Bosnia and Herzegovina by 1 April.

Ultimately, the year 2020, despite being fraught with uncertainty due to the coronavirus crisis, is a key moment for the European Union and for the partners in the Western Balkans, especially Serbia and Kosovo. On the Union's side, there is a new legislative mandate which, for the time being, is proving to be proactive in its relations with the Balkans and, moreover, discussions will take place within the framework of the "Conference on the Future of Europe". This is also partly due to the fact that the Presidency of the Council is held by Croatia, so we will have to see what happens from 1 June when Germany succeeds it. On the part of Serbia and Kosovo, many fronts are open - the imposition of tariffs, clarification of the transformation of the KSF, the establishment of a common position on the exchange of territories, etc. – although it can be anticipated that there will be small advances before the end of the year. In this way, if the European Union, through its role as *facilitator*, succeeds in getting the Dialogue started, starting with the abolition of tariffs, it will have taken a step towards regaining credibility on the part of Serbia and Kosovo and genuinely demonstrating its influence in the region.

Concluding remarks and recommendations for the future

The conclusions presented in this section should be taken as provisional insofar as, as has been proven in the lines of this article, the Western Balkan region is very volatile and, furthermore, new contingencies may arise as has occurred with the crisis caused by the coronavirus. Therefore, the scenario in which the Dialogue process will take place may suffer great alterations in a short period of time.

Taking advantage of the momentum and political will shown at the Zagreb Summit, despite some controversial speeches, the EU should make progress before the end of the year once both countries have a government. Telephone conversations with their Presidents will also be a tool for the EU in view of the potential prospects for a new

round of talks between the two parties.

The first of the challenges facing the EU concerns Kosovo, as it will have to give in if it really wants to make progress on its path to integration. Getting Kosovo to abolish tariffs will be the first step in balancing the scales and establishing the status quo necessary to move forward in the negotiations. So although the EU does not have the legitimacy to intervene in internal political decisions, it does have the influence to prevent further decisions leading to further collapse.

However, the role of the EU as a mediator must be different from the one it adopted in the period 2011 - 2016 precisely because the scenario has changed, both internally in these countries, as well as in the region as a whole and within the EU itself. It is worth considering whether the EU will continue to use the carrot and stick approach. Even if the agreements of 2013 and 2015 have not been fully implemented, this does not mean that Serbia and Kosovo have not learned as much from the negotiation process as from the *facilitator* of it; the European Union.

The background aforementioned was necessary to be able to analyse the scenario that is now being considered in the short term as it was first necessary to decide on the methodology to be used to achieve small progress. Serbia and Kosovo have also had time in recent years to reflect on the European Union's approach and will now have other perspectives on the methodology. That is why the EU itself has launched this proposal for change. Circumstances have changed and therefore the Neighbourhood and Enlargement Policy cannot be addressed in isolation from developments and without taking into account the new claims of both countries.

This methodological change will imply a new dynamic in addressing the Dialogue process and the incentives offered to both parties will have to be reviewed. A choice will have to be made initially between bilateral talks with both countries in order to reduce the tension between them. Then both countries will have to sit down and negotiate with the EU's mediation. It is unlikely that at such an early stage in the Dialogue process the three will meet in light of how fragile the talks between Serbia and Kosovo have been in the last years. That said, the EU must also stand firm on its promises if the requirements of each phase of the process are verified.

In order to achieve objectives and a new agreement in the medium and long term, lessons must be learned from the shortcomings of the previous ones, which can be summarised in two ways: ambiguity and the absence of monitoring and evaluation mechanisms.

A new agreement between Serbia and Kosovo cannot be ambiguous, but its content must be short, concise and, above all, clear without resorting to technicalities that could lead to legal vacuums. Not to say that the ideal situation would be one in which the result is a legally binding and mutually beneficial agreement, not like the previous ones. This should be the basic premise of the EU in acting as a *facilitator* of the Dialogue. Without a clear strategy for the expected outcome, there are two possibilities: either the objectives will not be achieved, or they will be achieved superfluously and end up being a short-term setback in practice.

Besides, where is the accountability? This has become a popular expression in recent years within the institutions, both European and national, but its promotion is more than necessary in the dispute between Belgrade and Pristina. Without proper channels to monitor and evaluate the agreements made, there is a risk that commitments will again be lost and that, in practice, everything will remain the same. However, not only once the process has been completed, but also during the talks, transparency must be promoted so as not to create a new scenario of mistrust among the civilian population.

If the spirit of cooperation is maintained, possible solutions such as border correction can be taken up again or new ones proposed. If this solution is chosen, care must be taken to ensure that it complies with European Union law and international law. In particular, the promotion of the rule of law in its broadest sense and respect for human rights with a view to the ethnic minorities present in the territory. Ultimately, the democratic consolidation of these countries should be pursued as they advance on their path towards integration into the EU, NATO or other international organisations and bodies. True integration into the EU will only come if Serbia recognises Kosovo as a state. So, at some point, Serbia must choose between Kosovo and Brussels to complete its EU accession process.

Following the Zagreb Summit, the European Union has an opportunity to regain credibility and confidence in the region, after a few years in which it has not been fully involved and has not even been open to new members.

By gaining credibility, it will gain influence and power to deal with old and new players who aim to establish, maintain or consolidate themselves in the European Union's backyard. It is, in short, an opportunity to consolidate its role as a global player in the region. However, in order to do so, it must combat, among other things, the *sharp power* that will continue to gain strength even when the pandemic passes.

If this is achieved, Serbia and Kosovo and the other countries of the Western Balkans will continue to have an interest in EU membership, and this means not seeing the European project falter in the face of every crisis. The resilience that is intended to be built in the neighbourhood must also be actively built in the EU through its institutions, bodies and agencies.

Although in the first half of 2020 the possibility of reaching an agreement in the short term is low, there is reason to be positive in view of the latest steps taken by the European Union. All of the foregoing is without prejudice of impact of the unexpected guest in the world that will be able to put in check the future scenarios that were being taken for granted.



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