

BULLETIN

No. 32 (365) • March 26, 2012 • © PISM

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Breakthrough in the Dialogue with Kosovo Brings Serbia Closer to the EU

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On 1 March, the European Council granted Serbia candidate status for EU membership. This was possible thanks to an agreement reached a week earlier between the Serbian government and the authorities in Pristina on the external representation of Kosovo. This finding is of great importance to regional cooperation and good neighbourly relations in the Western Balkans. The EU should continue its efforts to facilitate dialogue between Serbia and Kosovo, which will translate into an acceleration of the European integration of both countries.

The Results of the Dialogue and Their Importance. The agreement of 24 February, assumes that Kosovo will be represented in regional forums by the government in Pristina. The name of this country will bear a footnote referring to Resolution 1244 of the UN Security Council and to the opinion of the International Court of Justice (ICJ) on Kosovo's declaration of independence. The resolution from 1999 established the UN Interim Administration Mission (UNMIK) in Kosovo. The inclusion of this document as the only reference for determining Kosovo's status for outside representation was Serbia's starting position for the negotiations. At the same time, the authorities in Pristina were in favour of the inclusion of the term "Republic" before the name of the state. Therefore, the agreement required concessions from both sides. In taking into account the opinion of the ICJ, the accord points out that Kosovo's declaration of independence by the parliament in Pristina in February 2008 was not incompatible with international law. Moreover, the parties have approved the integrated management of border crossings between Serbia and the part of Kosovo inhabited by the Serb community. This means that agreements were achieved on both points discussed during the last round of dialogue.

The development of a formula for Kosovo to be represented by its government in the Western Balkans region is by far the most visible result of the dialogue between Belgrade and Pristina. This will allow representatives of both governments to participate in initiatives on closer cooperation in the Balkans. This, in turn, will provide a platform on which to build relationships between the two countries that previously had not participated jointly in regional meetings at the state level. In this context, the representation of Kosovo by the government in Pristina—with the approval of Serbia—will be another attribute of statehood, and which perpetuates its independence. Simultaneously, the agreement confirms the mandate of the UN to administer Kosovo, which means that it would not be considered a member in the UN or its agencies.

The dialogue that had run since March 2011 under EU auspices aims to develop technical agreements to facilitate the daily life of Kosovo's inhabitants. So far, consensus was achieved on the free movement of persons, on the transfer from Serbia to the authorities in Pristina of copies of civil records covering the territory of Kosovo, and the mutual recognition of academic diplomas. A conflict between Kosovo Serbs and police and customs officers deployed in Northern Kosovo and subordinated to Pristina led to the suspension of talks. In early September 2011, the government in Belgrade recognised Kosovo's stamps and customs documents, but soon afterwards the dialogue was again frozen.

The Kosovo Issue and Serbia's EU Integration. The agreement with Kosovo on its regional representation was a key condition for Serbia to achieve candidate status for EU membership. The declaration by German Chancellor Angela Merkel from August 2011 about the need to remove Serbian administrative structures from the north of Kosovo was a harbinger that the Kosovo issue would be significant to the further integration of Serbia into the EU. Previously, the Union indicated

that one of the conditions for Serbia to receive candidate status for membership was its cooperation with the International Criminal Tribunal for the Former Yugoslavia, and Serbia met this by bringing the last of those accused of war crimes to The Hague in July last year. After that, the European Commission, in a report in October 2011, recommended that the European Council (EC) grant Serbia candidate status. Germany's firm attitude on Kosovo, though, led to a resumption of the dialogue. The Serbian government has since approved an integrated border-crossing management system that would involve officers from Serbia, Kosovo and EULEX. Nevertheless, in December 2011, the EC postponed a decision on Serbia's candidacy to a March summit, arguing that there was a need to implement existing agreements with Kosovo and, at the same time, pointing to the need to regulate its regional representation.

A visit to Belgrade by German Foreign Minister Guido Westerwelle the day before the recent agreement between Serbia and Kosovo was not only an effort to reach consensus on the issue but also a clear signal that there would be no additional conditions for Serbia's candidacy. A call to grant Serbia this status was included in a joint note to HR Catherine Ashton by the foreign ministers of Austria, France and Italy. A letter of support was also issued by the foreign ministers of Bulgaria and all the Visegrad Group countries except Poland. In addition, joint support was expressed by the presidents of the Czech Republic and Slovakia. Meanwhile, just before the EC summit, Serbian media reported that Lithuania, Romania and Poland (a statement that indicated the close relationship between Serbia and Russia) had reservations about Serbia's candidacy. The government in Bucharest referred in a statement to the neglect of the Romanian-speaking community in Serbia and was the last to give support to the country's candidacy. The opposition in Romania, though, pointed to the failure of Romania's accession to the Schengen Agreement as the reason for the government's earlier statement. Serbia applied for EU membership in December 2009. In January 2012, half the population supported the country's accession to the Union, and 28% were against it.

Kosovo will be crucial to the further integration of Serbia with the EU because the start of accession negotiations will require not only the smooth functioning of recently concluded arrangements but also new deals on telecommunications and electricity. However, another round of talks with Pristina will not take place before the parliamentary and local elections in Serbia, scheduled for 6 May. Meanwhile, Serbia decided to also include Kosovo in the election, and this could hamper further talks between the sides. The northern part of Kosovo is inhabited by about 40,000 Serbs, and their future status will surely be part of the dialogue. In four municipalities in northern Kosovo inhabited by the Serbs, voters in a referendum organised in mid-February without the approval of the government in Belgrade rejected almost unanimously the institution of the Republic of Kosovo.

Conclusions and Recommendations. Along with Croatia, Montenegro and Macedonia, Serbia is yet another country from the Western Balkans to gain candidate status for EU membership. The recent agreement with the government in Pristina points to the openness of the Serbian authorities to compromise on Kosovo and to their determination in talks with the EU. The acceleration of these talks was also important for the government in Belgrade in the context of the forthcoming parliamentary elections. However, regardless of the result of polls, the new government will be obligated to continue the dialogue in such a way that further agreements will allow for the opening of accession negotiations. The ambition of the present government is to achieve this goal this year, but that may prove difficult given similar experiences by other countries in the region. In addition to political conditions involving Kosovo, making appropriate structural reforms will be an essential criterion for Serbia to meet.

Romania's initial position on Serbia's candidacy showed that as part of the European integration process Member States increasingly refer to bilateral relations with countries that aspire to membership. In the Western Balkans, where some bilateral issues remain unresolved, this can be detrimental to smooth enlargement. Poland should avoid situations in which it could be associated with a country that barely supports EU enlargement policy. This is important not only because of the goals of Polish foreign policy, which include establishing security and stability in the Balkans, but also in realizing the priorities of this policy. The lack of explicit support for the membership aspirations of countries in the region may in fact adversely affect the attitudes of some Member States—which see the Western Balkans as a more important direction in their foreign policy—towards the EU's eastern neighbourhood. Moreover, Poland is seen in Serbia as a model example of a new Member State that has experienced constant development regardless of the economic crisis, and it is worth caring about maintaining such an image.