

The European Union and the Normalization Process between Kosovo and Serbia

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Abstract

Since Kosovo's 2008 Declaration of Independence, its relationship with Serbia has been marked by disputes, especially regarding Serbia's refusal to recognize Kosovo as a sovereign state. In this context, the European Union (EU) has played a central role in efforts to normalize relations between the two countries. The EU's approach to this process can be divided into two key strategies: its role in facilitating normalization dialogues and its influence on shaping the policies of Serbia and Kosovo towards one another. Notable events, such as the 2013 Brussels Agreement, highlight the EU's contributions throughout this process. However, the effectiveness of the EU has been limited by internal divisions among member states, the partial implementation of agreed frameworks, and external geopolitical pressures. The EU's conditionality strategy has influenced policies in both countries. Still, a waning commitment to enlargement and competition from global actors like Russia and China exposes the limitations of this approach. This case is a significant example of how global governance organizations, such as the EU, can contribute to addressing and relieving tensions between states with conflicting claims.

Keywords: Kosovo, Serbia, European Union (EU), Normalization process, Brussels Agreement, Independence, EU membership, EULEX (European Union Rule of Law Mission in Kosovo)

I. Introduction

The borders of Kosovo have been a complex issue since the Yugoslav Wars of the 1990s. Following NATO's intervention in 1999, Kosovo unilaterally declared independence in 2008, sparking an ongoing dispute with Serbia. Kosovo is currently recognized by 101 of 193 United Nations member states. The normalization process between Kosovo and Serbia, facilitated by the European Union (EU), represents one of the EU's most significant diplomatic engagements in the Western Balkans. The

EU-led Brussels Dialogue, which began in 2011, aimed to normalize relations between Kosovo and Serbia, a relationship complicated by Serbia's view of Kosovo as a part of its sovereign territory.¹ This dialogue aimed to reduce tensions and advance both parties' prospects for European integration, with EU membership as a primary cooperative incentive. Over the years, the EU's facilitation

¹ Emini, Donika, and Isidora Stakic. "Belgrade and Pristina: Lost in Normalization?" *European Union Institute for Security Studies (EUISS)*, 2018, pp. 102-125. JSTOR, <http://www.jstor.com/stable/resrep21126>. Accessed 7 Oct. 2024.

has involved numerous high-stakes negotiations, resulting in agreements intended to stabilize relations and address practical issues, such as freedom of movement and local governance structures.

Despite some notable achievements, the EU's role in the dialogue process to reconcile Kosovo and Serbia has faced challenges. Problems within the agreements, nationalist tensions, and varying interpretations of the dialogues by both Kosovo and Serbia have often hindered progress. Moreover, internal EU divisions, such as the refusal of five member states to recognize Kosovo's independence, have questioned the EU's role as a mediator². This article will examine the EU's role in the Kosovo-Serbia normalization process, divided into two main sections analyzing the role of the EU in the dialogues between the two countries and exploring its influence on the policies of both nations.

2. The EU's Role and Involvement in the Dialogue between Kosovo and Serbia

Since 2011, the EU's role in the Kosovo-Serbia dialogues has evolved, beginning with adopting a dual-phase structure comprising technical and high-level political meetings. The dialogue was initially brokered through technical talks, compared to the political dialogue that followed, which included issues such as governance and judicial systems in Serb-majority regions in Kosovo.

² Belgrade Centre for Security Policy. "BELGRADE & PRISHTINA: DIALOGUE ABOUT DIALOGUE." Belgrade Centre for Security Policy, 2020. <http://www.jstor.org/stable/resrep27051>. Accessed 7 Oct. 2024.

The EU positioned itself as a mediator, leveraging the promise of European integration for both countries.

The EU membership prospect motivated Kosovo and Serbia to participate in the dialogue. For Serbia, EU accession negotiations and the requirements for candidate status were necessary to establish and continue dialogue. Similarly, for Kosovo, the EU's Stabilization and Association Agreement (SAA) showed a path towards potential European integration, contingent on adherence to the policies agreed upon in the dialogue. The EU required both Serbia and Kosovo to proceed with the dialogue if they were to pursue EU integration. In sum, the EU utilized "conditionality" as an incentivizing tool to tie progress in normalization with European integration milestones for Kosovo and Serbia.³ This tool has been instrumental in maintaining the parties' commitment to negotiations, although its effectiveness has been mixed due to internal divisions within the EU over Kosovo's status.

One of the EU's most significant achievements in the Kosovo-Serbia dialogue is the 2013 Brussels Agreement, the first framework for cooperation on security and judicial authority in Serbian-majority municipalities. The Brussels Agreement addressed long-standing disputes caused by Kosovo's 2008 unilateral declaration of independence. It includes provisions across 15 points, covering security, rule

³ Vladimir Medović, "The Potential and Limits of the European Union as a Mediator" *LAI Istituto Affari Internazionali*, March 8, 2022, <https://www.iai.it/en/pubblicazioni/potential-and-limits-europe-an-union-mediator-dialogue-between-serbia-and-kosovo>.

of law, local governance in Serb-majority areas within Kosovo, and the judiciary. The agreement's key aspects include forming an Association/Community of Serb-majority municipalities and the dismantling of Serbian parallel structures in northern Kosovo. However, the agreement's ambiguity around the legal status and authority of the Serb-majority municipalities has led to varying interpretations, delaying implementation. For instance, Serbia viewed the Association as an entity with its proper executive powers, while Kosovo perceived it as a non-governmental organization, ultimately bound by its legislation. This ambiguity and dual interpretation caused Kosovo's Constitutional Court to rule in 2015 that parts of the agreement were unconstitutional, making the implementation more difficult. Despite these challenges, the Brussels Agreement remains a critical step toward normalization, bringing progress in northern Kosovo's judicial integration.⁴

Additionally, the EU successfully negotiated technical agreements on issues like freedom of movement, civil registry records, integrated border management, and mutual recognition of educational diplomas. These agreements were intended to normalize day-to-day interactions between Kosovars and Serbs and facilitate cooperation in areas directly impacting citizens' lives. The successful brokering of these agreements demonstrates the

EU's ability to mediate practical issues, even when the core political dispute remains unresolved.⁵

The dialogue process also allows the EU to assert itself as an influential actor capable of making positive change. According to a 2017 article by Gashi and Musliu titled "Mediation Through Recontextualization: The European Union and The Dialogue Between Kosovo and Serbia," the EU employs "recontextualization", a strategic change in the meanings and framing to the international community to maintain a neutral stance and reinforce the EU's influence. For instance, the EU's choice to refer to the dialogue as between "Belgrade and Pristina" rather than "Kosovo and Serbia" showcases the EU's efforts to appease the Serbian side of the dialogue by not directly implying Kosovo statehood. Furthermore, the EU often downplays the substantial challenges in implementing agreements from the dialogue, shifting focus to the need for further negotiations rather than addressing the lack of progress. This approach places responsibility on the parties themselves, allowing the EU to evade criticisms regarding accountability for stalled outcomes. Finally, the EU presents itself as a significant facilitator of positive change by consistently labeling the dialogue with adjectives such as

⁴ Emini, Donika, and Isidora Stakic. "Belgrade and Pristina: Lost in Normalization?" *European Union Institute for Security Studies (EUISS)*, 2018, pp. 102-125. JSTOR, <http://www.jstor.com/stable/resrep21126>. Accessed 7 Oct. 2024.

⁵ Vladimir Medović, "The Potential and Limits of the European Union as a Mediator in The," IAI Istituto Affari Internazionali, March 8, 2022, <https://www.iai.it/en/pubblicazioni/potential-and-limits-europe-an-union-mediator-dialogue-between-serbia-and-kosovo>.

“historic” and “ground-breaking”⁶ in the media, especially concerning the 2013 Brussels Agreement. The EU's neutrality regarding Kosovo's status has also complicated its role as a mediator. While the EU officially remains impartial regarding Kosovo's independence, five EU member states—Spain, Slovakia, Greece, Romania, and Cyprus—do not recognize Kosovo as a sovereign state. This lack of unanimity has hindered the EU's effectiveness, as Serbia has often exploited these internal divisions to resist any progress toward recognizing Kosovo. The ambiguity over Kosovo's status has also been a source of frustration for Kosovo's leaders, who view EU recognition as essential for their international legitimacy and integration.

Furthermore, the EU's approach to the dialogue has been criticized as a form of “simulated power,” wherein the EU exaggerates influence and effectiveness while downplaying its role in the process. This “simulated power” is perceived by some scholars as a strategy the EU uses to project legitimacy and authority without taking full responsibility for the outcomes. Critics argue that the EU's reliance on ambiguous agreements has created a “hyperreality” in which commitments are made but rarely

fulfilled, leading to stagnation in the normalization process and eroding public trust in the EU's mediating role.⁷

3. The EU's Indirect Influence on Shaping the Relationship between Kosovo and Serbia by Shaping the Policies of the Countries

The EU has significantly influenced Serbia and Kosovo's internal policies. This process took place mainly via the promise of membership to incentivize the two countries to relieve their tensions after the 2008 Kosovo Declaration of Independence. The efficiency of this strategy is influenced by different factors: the EU's commitment to enlargement, local governments, and the geopolitical conjuncture.

The EU utilizes a “carrot and stick”⁸ plan, that is to say, a strategy that makes progress towards EU membership for Kosovo and Serbia, contingent on the normalization of relations between the two countries. For Serbia, this means adopting a moderate stance on Kosovo. As to Kosovo, the EU emphasizes the importance of strengthening the rule of

⁶ Krenar Gashi, Vjosa Musliu, 'Mediation Through Recontextualization: The European Union and The Dialogue Between Kosovo and Serbia', (2017), 22, *European Foreign Affairs Review*, Issue 4, pp. 533-550, <https://kluwerlawonline.com/journalarticle/European+Foreign+Affairs+Review/22.4/EERR2017039>

⁷ Gashi, K. (2021) Simulated Power and the Power of Simulations: The European Union in the Dialogue between Kosovo and Serbia. *JCMS: Journal of Common Market Studies*, 59: 206–221. <https://doi.org/10.1111/jcms.13056>

⁸ Bohnet, Henri. “CAN SERBIA LET GO OF KOSOVO?: THE KEY QUESTION FOR BALKAN STABILITY.” *Konrad Adenauer Stiftung*, 2012. <http://www.jstor.org/stable/resrep09937>.

law and addressing the country's problems with its internal governance, such as those related to democracy and corruption, which is also often facilitated through missions like the European Union Rule of Law Mission in Kosovo (EULEX) that advises the government of Kosovo on governance questions.

Serbia's pursuit of EU membership has shaped the country's policy regarding Kosovo in a more moderate direction. While Serbia initially opposed the moves towards moderating its relationship with Kosovo, over time, the government has adopted a more pragmatic stance due to the incentives provided by the EU. Economic considerations also shape this incentive by the EU. The financial support associated with EU accession is a reason that Serbian policymakers rely on when making decisions about Kosovo. The following events, like the 2013 Brussels Agreement, resulted from this EU incentive. Since 2008, Serbia's policy has changed vastly. While Serbia maintained that Kosovo is an integral part of Serbian territory, its relationship with the EU, specifically in this area, has changed over time. During the presidency of Boris Tadic from 2004-2012, the Serbian government adopted rhetoric favouring the country's EU aspirations and claims on Kosovo. Nonetheless, some actors in Serbian politics, such as the junior partner of the government, the Democratic Party of Serbia, and the opposition party, the Serbian Radical Party, followed a rhetoric that is hostile towards the EU due to its stance on Kosovo.⁹

⁹ Economides, S, and Ker-Lindsay, J (2015), 'Pre-Accession Europeanization': The Case of Serbia and Kosovo. *Gender,*

Kosovo has also adopted its internal policies through the EU's influence. The emphasis on the rule of law and governance reforms through the EULEX mechanism has led to implementing measures regarding corruption, institutional accountability, and transparency. However, some expectations of the Kosovo side have been delayed, such as visa liberalization, even though Kosovo has met the necessary criteria.¹⁰

While the conditionality created by the EU's incentive strategy has advantages, it also has certain limitations. The decline in the commitment to enlargement, as has been the case in the 2019 French veto of accession talks with North Macedonia and Albania¹¹, has been an aspect that weakened trust in the EU among Western Balkan countries. This has decreased the efficiency of the EU's influence over the tensions between Kosovo and Serbia.

External actors like Russia and China also challenge the EU's regional policies and dominance. Russia's backing of

Work And Organization, 53, 1027–1044. doi: [10.1111/jcms.12238](https://doi.org/10.1111/jcms.12238)

¹⁰ Bashota, Bardhok, Dren Gërguri, and Leonora Bajrami. "The Ambivalence of Kosovo–EU Relations in the Last Decade: The Perspective of Kosovo's Political Elites." In *Reconfiguring EU Peripheries: Political Elites, Contestation, and Geopolitical Shifts*, edited by Miruna Butnaru Troncotă, Ali Onur Özçelik, and Radu-Alexandru Cucută, 3:259–86. Helsinki University Press, 2024. <http://www.jstor.org/stable/jj.16275973.14>.

¹¹ Huszka, Beáta. "THE POWER OF PERSPECTIVE: WHY EU MEMBERSHIP STILL MATTERS IN THE WESTERN BALKANS." European Council on Foreign Relations, 2020. <http://www.jstor.org/stable/resrep21645>.

Serbia's claim to Kosovo and its opposition to the EU's integration agenda pose challenges to the dynamics of normalization. Similarly, China's growing economic presence in Serbia provides an alternative, especially in terms of economic development, which had been traditionally associated with the EU, potentially reducing Serbia's reliance on the EU.

4. Conclusion

In conclusion, the European Union's role in the normalization process between Kosovo and Serbia represents a two-part strategy: The EU's role in the normalization dialogues and the EU's role in shaping the policies of both Serbia and Kosovo towards one another. While the EU has achieved notable successes, such as the 2013 Brussels Agreement, its effectiveness is limited by aspects like internal divisions between member states, frameworks that are completed to a limited extent, and external geopolitical conjuncture. The EU's conditionality strategy has been pivotal in shifting the policies of Kosovo and Serbia, yet the declining commitment to enlargement and challenges from global actors like Russia and China reveal the limitations of this approach. This case is vital on a larger scale as it shows how global governance organizations, of which the EU is one, can aid tensions between two states over varying and conflicting claims.

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