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THE EU ENGAGEMENT IN THE KOSOVO-SERBIA DIALOGUE

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Abstract: *The outcome of the dialogue between Kosovo and Serbia determines in many ways peace and stability in the Balkans and the process of integration of the western Balkans in the EU. The dialogue and the solution of the dispute between these countries becomes especially important under the situation of the potential aggression of Russia against Ukraine. It is very clear that Kosovo has shown its orientations towards deep integration in EU and NATO whereas the attitudes of Serbia remain to be clarified. Talks or dialogues between parties in this dispute have started many years ago and the outcomes were far from expectations. The dialogue process was ambiguous in many aspects. Especially in the aspect of parties and the facilitation or mediation of the entire process. Thus, the article gives a description of the long lasting dialogue underlying the most important acts and the shortcomings of the dialogue along with the expected results.*

Keywords: Facilitation, dialogue, NATO, EU, Kosovo, Serbia Kosovo, Serbia.

1. Introduction

Kosovo Parliament declared its independence on February 17, 2008. This was an expected act that crowned a long process which was coordinated with the most developed democracies. Kosovo declaration of independence did not violate the international law and this was confirmed also with the opinion of the International Court of Justice. Fatos Tarifa and Peter Lukas some time before Kosovo declared independence, in an article, trying to propose the proper solution for Kosovo, described shortly the roots of this dispute. They go with

“Who will decide on the future of Kosovo? The United States aside, Kosovo’s political future will be decided basically by the same major powers that dealt so poorly with the

“Albanian question” in the early twentieth century. Back then, these powers were Britain, France, Germany, Russia, Italy, and Austria. They made up the core of the European Concert of Powers from 1815 to 1914. The London Conference of their ambassadors in 1913 recognized, among others, the newly independent state of Albania and its international frontiers with Serbia, Montenegro, and Greece. The redrawing of the maps of the Balkan states by the European powers left whole regions inhabited almost entirely by ethnic Albanians — Kosovo among them — outside Albania’s state borders and their population scattered throughout the region. The 1913 London Conference of Ambassadors determined Kosovo’s fate. Once invaded by — and part of — the Ottoman Empire, Kosovo, which has always been almost homogeneously ethnically Albanian, along with what is today Macedonia, was annexed to Serbia in May 1913.” (Tarifa&Lukas 2007).

Thus, Kosovo since then, and without being asked, was forced to live and be part of various creatures of state. In this regard,

“Kosovo has been a province of Serbia (1913–1918); a part of the Kingdom of Serbs, Croats, and Slovenes (1918–1929), later to become the Kingdom of Yugoslavia (1929–1944); an autonomous province of Serbia within the Socialist Federal Republic of Yugoslavia (1945–1991); and the eighth federal constitutive unit of Yugoslavia from 1974 until Milosevic revoked Kosovo’s autonomy in 1989). That decision made by Europe’s major powers of the time has been largely responsible for the historical injustices and sufferings of the Kosovo Albanians for the past hundred years and perhaps for the balkanization of the entire region.” (Tarifa&Lukas 2007)

The mentioned creatures of state do not exist anymore, whereas the last one, Federal Republic of Socialist Yugoslavia was dissolved through a difficult process which took the lives of hundreds of thousands of people, brought the scenes of genocide and crimes against humanity and caused atrocities that were not seen in Europe since the Second World War. The federation was dissolved basically as a result of two big tendencies: first, one that strived for dominance and hegemony over the others, represented by Serbia as one of the units of the federation and second, the tendency for decentralization, democracy and freedom represented by other federal

units and other nations. Kosovo obviously was on the side of democracy and freedom, what made Kosovo pay a considerable cost. From the former federation of Yugoslavia: Slovenia, Croatia, Bosnia and Herzegovina, Monte Negro, Macedonia (North Macedonia) and Kosovo became independent states. All these units of the former federation have built their own states going through very big difficulties: from the war, aggression, threats and other types of pressure made by Serbia and its regime. The current Serbian regime creates tensions in the region specifically with the behavior against Bosnia and Herzegovina through the Republic of Srpska, In Monte Negro through the position of the Orthodox Church (and not only this) and in Kosovo by refusing to recognize the state of Kosovo by manipulating the Serb minority. During the entire process of dissolution of former Yugoslavia, the engagement of EU (before European Community) was vivid and important, but without concrete actions undertaken by US, results would have been far from the reached ones. The EU engagement has a history of some success in the Balkans (Slovenia and Croatia are the members of EU), but it is still far from achieving the same success in the other parts of it. Particularly with the solution of the Kosovo Serbia dispute. However, “the EU turned the accession process into the core of its policy towards the Western Balkans, including Kosovo and Serbia. In June 2003 member states stressed their “privileged relationship” with the region.” (European Council, Presidency Conclusions 2006)

2. Facilitation and/or mediation for the dispute

Between good offices and conciliation lies the form of third-party activity known as ‘mediation’. (European Council, Presidency Conclusions 2006) Like good offices, “mediation is essentially an adjunct to negotiation, but with the mediator as an active participant, authorized, and indeed expected, to advance fresh proposals and to interpret, as well as to transmit, each party’s proposal to the other”. (Merrills 2017,2) Whereas, “the third part who acts as “facilitator” or “provider of good services” has a more limited role compared to “mediator” and he doesn’t do more than helping parties in the dispute to establish direct communication.” (Berridge ND,237) It is known that usually the role of facilitator changes and transforms into mediator. Of course, international disputes in the diplomatic practice and in theory are known to be solved

also through the process of inquiry, conciliation, arbitration and through the international court of justice. This is seen quite well from the General Assembly Resolution of 1970, after quoting Article 2 (3), proclaimed:

“States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice.” (General Assembly Resolution 1970)

Between Kosovo and Serbia there is a dispute which during the history had various features. These features, unfortunately caused lots of consequences, in almost all periods they existed. The dispute between Kosovo and Serbia existed during a very long period of time, but it was not treated as an international dispute before the last three decades. Previous phases of developments regarding Kosovo - Serbia relations could be subject of different academic discussion outside the processes of mediation and/or facilitation developed after Kosovo proclaimed the Declaration of Independence. Serbia and its officials have not shown any readiness to recognize Kosovo as an Independent State whereas they have entered into a long-lasting process of talks and negotiations with Kosovo which were facilitated or/and mediated by EU in various forms. On the other side, it agreed to accept mediation and, “by accepting mediation, a government acknowledges that its dispute is a legitimate matter of international concern.” (Merrills 2017,30)

3. Good offices, facilitation and/or mediation

Before evaluating the EU facilitated/negotiated process, it is very important to emphasize that “EU institutions hold a neutral attitude regarding the Kosovo status. This itself shows the different approach that EU has compared to the other states, created in the process of integrations. No state from former Yugoslavia is displayed with the Asterix (*) or whose name is put in the footnote. No state from the territories of former Yugoslavia was conditioned with the demarcation of its borders with the neighbors. No other states from the territories of former Yugoslavia remains to be not recognized by EU...” (Rahmani 2018) On the other side, since

its Declaration of Independence, one of the main Kosovo foreign policy objectives was EU integration. In the same way most of its citizens or 93 percent of them, support the process of Kosovo integration in the EU. (Rrahmani 2018) Yet, 5 (five) states from EU do not recognize Kosovo as an Independent state whereas interestingly the current EU Special Representative for the Belgrade – Pristina Dialogue and Western Balkans, comes from Republic of Slovakia, the state, which doesn't recognize the state of Kosovo. Kosovo's process of independence in addition to the pre-war pains,

“was accompanied by a number of painful concessions for Kosovo, including a period of internationally supervised independence; the creation of several new Serb-majority municipalities carved out of existing Albanian-majority ones; extra powers for those Serb areas, notably over education; protections for Serbian Orthodox Church sites; parliamentary seats set aside for Serbs and other “non-majority” peoples, with a veto over legislation of vital interest; permission for Serbia to extend financial and technical help to Serb-majority municipalities; and a security force limited to 2,500 lightly armed soldiers”. (Crisis Group Report 2009)

Beyond this, however, Robert Cooper launched in March 2011 the first test of Pristina's and Belgrade's willingness to solve problems together. The first meeting between Kosovo and Serbia was held on March 9, 2011 in Brussels. The delegation of the Republic of Kosovo was led by Ms. Edita Tahiri, Deputy Prime Minister and Minister for Dialogue in the Government of the Republic of Kosovo, while the Serbian Government was led by Mr. Borko Stefanovic, on the capacity of Serbia's Special Representative to the dialogue. (Deskaj 2021,124)

In this context, from March 2011 to April 2013 the then High Representative for Foreign Affairs and Security Policy (HR) Catherine Ashton and her team brokered several rounds of talks between Serbia and Kosovo. Ashton's approach was based on tying the prospects for EU membership of both entities to the normalization of their bilateral relations. The negotiation was far from smooth. As the EU was preoccupied with other, more pressing issues (ranging from the eurozone crisis to the refugee emergency of 2015), Russia saw an opportunity and strengthened its ties with Belgrade. (www.eubusiness.com/news-eu/serbia-kosovo.fev.2012)

EU mediated dialogue which is quite often referred as the Brussels dialogue between Prishtina and Belgrade, officially has started at the beginning of 2011. Representatives of Kosovo and Serbia held official meetings in the period between March 2011 – July 2012, where nominated negotiators discussed main technical issues burdening citizens of Kosovo and Serbia. Because of its nature and the issues covered by it, the process was designed as a technical dialogue which would results with technical agreement. (www.qkss.org 2020)

Until the end of 2012, during the so-called technical dialogue there were a serious of agreements signed which led towards a political dialogue, formalized by the Resolution of the Kosovo Parliament, who

“supports the process of solution of problems between two independent and sovereign states, Kosovo and Serbia, on behalf of normalization of relationships between themselves, improvement of citizens’ life and advancing the European agenda for two states and the region.” (Resolution October 18, 2012)

In this way since the summer 2012 meetings were held at the higher levels of representation since in the dialogue took part Kosovo Prime Ministers of Kosovo and Serbia even though negotiations continued to be of technical character. This because of the need of treating daily problems which are met by common people as the consequence of undefined legal, economic reports of communication between Belgrade and Prishtina. (www.qkss.org 2020)

The process of dialogue started with no clear strategy; with no transparency; quite far from the public eyes; under geopolitical situation when Russia was looking to get more space and impact supporting their “brothers from blood”; when the US in a way let the process in the hands of EU; in a situation where Kosovo citizens remained to be as only citizens isolated, etc. Kosovo statehood as noted, made five EU member states hesitant, whereas Kosovo’s statehood was not only in conflict with the pan-Orthodox and Slavic ambitions of Russian President Vladimir Putin but the Kremlin also needed to respond to Russian public opinion, which traditionally supported Serbian nationalists and feared ethnic cleansing against Serbs. (Antonenko 2007) However, dialogue continued no matter of unclearness and no matter it went without setting any deadline for ending it. Moreover, “dialogue started differently from international practice, where parties initially achieve an agreement, principle legally binding and

then continue to negotiate technical and practical issues along with their implementation. In these negotiations, something else happened.” (Balkans Policy Research Groups 2017)

In June 2013, as a reward for the deal, EU member states made a conditional decision to open membership talks “with Serbia by January 2014 and authorized the beginning of negotiations on a Stabilization and Association Agreement with Kosovo”. (European Council Conclusions 2013) In this spirit Prishtina and Belgrade agreed not to hinder the other side’s progress towards EU membership. But this commitment not to hinder the other side, in a continual way was not respected by Serbia who over the long period of time engaged its entire diplomacy to hinder efforts of Kosovo for membership in international organizations and to gain more recognition from the states who did not recognize Kosovo. Moreover, Serbia managed to convince some states to revoke the recognition of Kosovo that is something new in the modern international law practice. Thus, in one side some agreements were reached and on the other side various activities in opposition to agreements, developed. Serbia closed down Serbian parallel structures in Northern Kosovo, including police stations and criminal courts (EU Commission, Kosovo Progress Report 2013), but it never gave up from the influence over the Serb population. Nonetheless, Serbs from the Northern Kosovo for the first time cast their vote in local elections in December 2013. On the other side, dialogue itself gained in its importance after presentation of First Agreement of Principles Governing the Normalization of Relations, known as Brussels Agreement and as a consequence integration of four northern municipalities in the Kosovo System of Governance. (www.qkss.org 2020) Hence, a technical-political dialogue went in this way whereas a direct engagement of US was not seen. At least not openly. Despite the fact that the U.S. still exerts a crucial influence in Kosovo, being Pristina’s most reliable ally, their military role is gradually decreasing since Washington has passed the main political and military responsibilities to their European NATO partners. As of December 2013, 665 U.S. soldiers are stationed in Kosovo, representing merely 13.5 percent of the total KFOR contingency. Therefore, it can be argued that “despite their fundamental role in the past 15 years, the U.S. has gradually disengaged from Kosovo, opting for being a “guest” rather than a participant or a mediator in the on-going EU-led Serbia-Kosovo negotiations.” (Pinos 2015) It is important to underline that the important issues regulated with the agreements were more in favor of Serbia rather than being something to put both sides in the equal position. In addition, “EU member states decided to

begin accession negotiations with Serbia on 21 January, 2014.” (Council of the EU 2014) Kosovo official politics and the government representatives thought that by continuing with the dialogue, it will, in one side attract more recognitions, it will get the support for membership in the international organizations and in this aspect a comprehensive binding agreement with Serbia will bring the mutual recognitions of these respective states, on the other side. Hoping for these outcomes, Kosovo representatives signed various agreements which were not in accordance with its constitution and in accordance with interests of Kosovo people.

“...loaded with a big number of agreements, many are asked about why Kosovo has signed a lot of bad agreements. First, elite has not an appropriate quality to negotiate. Second, governments hire and employ family members and party militants who are terribly unqualified. Third, and this is what is believed by majority that presented indictments and accusations, means that they will be doing all what they are told to be doing by the international community, even then when these requests [by international community] are directly against the state interests of Kosovo.” (Austin 2021,295)

This was not the case with the Serbian official politics, that was very explicit objecting Kosovo’s request for recognition. Serbian President, Boris Tadic stated: “no democratic leadership in Serbia would ever, under any circumstances, recognize the unilateral declaration. This principled position is set in stone, and will not change – come what may” (Tadic 2010). In line with this statement, all official representatives of Serbia kept openly this position. No matter of this, Kosovo representatives believed that Serbian official will change attitudes and continued with the dialogue and with signing agreements. Moreover, after almost all signed agreements, they tried to convince Kosovo people that the progress was being achieved and that factually Serbia is recognizing Kosovo with the simple fact of signature of these agreements. This was very far from the reality.

4. Unclearness of discussed agreements and proposals

Since the dialogue started between Kosovo and Serbia around 30 agreements were signed. Some were realized in hard conditions, some were obstructed and some had many bambiguities. Indeed, the entire process may be treated ambiguously. The ambiguity refers to

the parties entering it, to the content and the role the facilitator/mediator played in the dialogue process. Parties taking part in the dialogue do not recognize each other. Regarding the bilateral treaties, the consequence of non-recognition is legal inability to establish formal relationships with the treaty. Nonetheless, this doesn't mean that treaties cannot be concluded between non-recognizable states. This rather implies that if the treaty is concluded in such case, mutual recognition will automatically be implied. In this way, according to the international law, the Treaty would be valuable which would have two effects: recognition and establishing the rights and duties according to the treaty (Kolb 2020). In the case of Kosovo-Serbia dispute, a comprehensive agreement with the final ending for mutual recognition of two states is the main goal. At least this is always stated to be the final goal from Kosovo's side, without going further to analyze all treaties or agreements known in the field of the international law.

Two agreements are continually and frequently discussed. There are two reasons for this: to verify what was said about bad agreements signed by Kosovo and to emphasize EU's role and its attitudes and position related to the issue. Kosovo in August 25, 2015 signed the Agreement on the Association of Serb-majority Municipalities, which was signed while the Assembly was on the vacation. (Zëri 2017)

Why signed while the Assembly was on the vacation? This is one, out of dozens possible questions to be raised not only for this agreement which caused so many turbulences in Kosovo and which continues to be "rope in the throat" for Kosovo in the further processes of dialogue, even though Kosovo Constitutional Court had found this agreement to be not in accordance with the Kosovo Constitution. Nonetheless, international community pressed Kosovo to implement this agreement, since they see it as an international obligation which was in addition ratified by the Kosovo Parliament. Declared as not in accordance with the spirit of the constitution, it is still on the table and it is still pushed to be implemented with various forms of pressure. The other similar agreement was signed with Monte Negro, regarding the demarcation of borders between Kosovo and Monte Negro. After signed, it faced a strong objection and its ratification took quite a long period of time. International Community, i.e. representatives of EU and US were with perseverance asking Kosovo politicians to vote ratification of demarcation, since it was the last remained request for Kosovo in order to get the visa free regime. (www.balkaninsider.com)

Kosovo ratified this agreement, whereas the promised visa free regime (after the agreement was reached) was not granted for Kosovo citizens. It goes beyond the perception that Kosovo lost a big part of the territories in favor of Monte Negro. Such conditions were not set up for the states that derived from the territories of former Yugoslavia. The EU position remained unclear regarding its demands from Serbia. “While officially it could not seek Serbia’s recognition of Kosovo, governments and parliaments in some EU member states, in particular Germany, made it clear that eventual EU accession would require full recognition.” (Biber 2015) But no deep analysis is needed to see how differently the pressure is applied against Kosovo and against Serbia in the process of negotiations. Serbia like always plays with its not very clear geopolitics orientations: directed towards the West or turned in direction to Russia. It continues to be silent even now after the last movements in Ukraine. Kosovo on the other side clearly and completely oriented toward the West with the goal and the hope to integrate into EU and in NATO. It opposes also Mr. Putin’s actions against Ukraine. While parties keep these positions, they, as it was said, do not undergo the same pressure from the EU. This type of approach EU had even before the war. Thus, “in trading human rights, justice, and democracy for a false sense of stability, the EU allowed genocide to take place on its doorstep. Then, it disingenuously framed one-sided aggression as a two-sided conflict with equal culpability”. (Kushi 2021)

In addition, attitudes of Russia remain the same. Certainly, Russia has neither replaced the EU’s influence in the Western Balkans, nor taken on the Union’s mediating role in the Kosovo–Serbia dispute. EU membership is still associated with economic prosperity and freedom of movement in the Western Balkans. Support for the Union has grown steadily between 2016 and 2019, although Serbia is the country most concerned about the potential implications of EU accession over its national sovereignty. (www.rcc.int 2019) All the time the dialogue was developed it seemed that part of the West looked at Kosovo as it was Kosovo before the declaration of independence. “The West generally ignores Serbia’s transgressions, such as its campaign that has convinced at least 15 countries to “revoke” their recognition of Kosovo, its purchase of sanctioned weapons from Russia, or its growing authoritarianism.” (Kushi 2021) Anyway, the EU’s position remained ambiguous regarding its demands from Serbia. However, there were not seen some strong mechanisms on imposing parties measures as means for implementing the signed agreements. Based on this, EU was pushed to use the contractual

relations and EU integration as an incentive agreement between the parties on the dialogue. As a result, progress has been made in the process of integration of both states with the EU: Serbia has started access negotiations, and Kosovo has signed a Stabilization and Association Agreement (SAA). Since 2013, “however, no significant progress has been made in the normalization process or its implementing the agreements”. (Szpala 2016)

No matter of activities and technical agreements, parties were not at all close to reach any final agreement. Indeed, the process was basically obstructed. Mainly from Serbian side. Negotiation either technical or political continually happened to be close the total failure. Having this in place, German Chancellor Angela Merkel prevented the Kosovo–Serbia talks from derailing by launching a new initiative of cooperation centered on connectivity, the so-called Berlin Process, in the summer of 2014. (www.euroactiv.com 2014) Established soon after Juncker’s declaration on the suspension of EU enlargement, the Berlin Process involved a restricted number of member states (Austria, Croatia, France, Germany, Italy, Slovenia and the UK), the Western Balkans countries interested in joining the EU (including Kosovo and Serbia) and EU representatives. Its main objective was to complement and provide new impetus to the European integration of the Western Balkans. (Viceré 2019) Whatever offered to Serbia by the EU and others, it was not enough to convince Serbia to give up activities of hindering Kosovo in the processes towards membership in the international organizations and in the activities for more recognitions. Serbia managed to block Kosovo’s membership in UNESCO in the autumn of 2015, which further undermined relations between Belgrade and Pristina. “The slowdown in the normalization process is also apparent in the reduced activity by the EU, which has limited tools to put pressure on the parties, consequently this policy is becoming less and less effective”. (Szpala 2016)

The normalization of relations with Kosovo was included in a separate chapter in Serbia’s accession negotiations with the EU, and these may be suspended if the process does not continue. However, “it is unlikely that the EU would be willing to use this tool”. (Szpala 2016) Answer for this, is easy to be found. This can’t happen for simple reasons which have a connection with traditional and current geopolitics. The new hotbeds of crisis where the EU should engage and the use of Russia as a reserve competitive alternative by Serbia are just two of the many reasons,

why the EU prefer “carrot” instead of “stick” as a model of mediation. (Deskaj 2021,179) But, to Kosovo this type of approach was perceived that “stick” was reserved only for Kosovo, whereas “carrot” for Serbia. Or even further, the attitudes of the EU to some opinions were perceived as the behavior of step mother for Kosovo and the behavior of mother for Serbia.

In the dialogue between Kosovo and Serbia in an unexpectable way, led by President Hashim Thaçi and Serbian President Vucic, a new/old issue was raised, which polarized even more the political situation in Kosovo. The was the issue of land swap, or border corrections as Hashim Thaçi preferred to name it. Officially this was never admitted to have been as an issue taken seriously into the consideration by the western diplomacy. But, however many politicians in Kosovo declared that the issue of land swap was mentioned to them in various closed-door meetings. Nobody has shown publicly any document or paper that was put on the table of dialogue officially. But obviously this goes beyond the perceptions.

Although Serbia was included among the countries that might gain access to the EU in the near future, accession will be impossible until it normalizes relations with Kosovo. A Serbian proposal – supported by the US – for ethnic-based land swaps raised expectations that a breakthrough was in sight in mid-2018. Yet the plan was criticized by Austria, Germany, Luxembourg and the UK, who feared that this could lead to similar requests for ethnic-based border changes in Bosnia, North Macedonia and Montenegro. (Jenne&Cook 2018)

According to an official from a European country, the problem is not that Serbia launches time after time this idea. The problem is that that we see a passivity by the Mogherini Office, who has neither put the red lines for these themes, nor reacts when these themes are being said... whereas a silence to some ones, is seen in Prishtina, as well. (Grupi për studime juridike dhe politike 2018) Moreover,

the negotiations were secret, and details have yet to be made public, but they included a land swap widely assumed to involve trading part or all of the four, predominantly Serb northern Kosovo municipalities for parts of Serbia's Preševo Valley, which are predominantly Kosovar. The discussions culminated in a 2018 draft agreement meant to be put before the UN Security Council. (www.crisisgroup.com 2020)

5. Mutual recognition, general agreement and/or land swap

Amid growing controversy and rumors, Kosovo President Hashim Thaçi and his Serbian counterpart Aleksandar Vučić described the contours of their ideas publicly at the Alpbach Forum, an international conference in Austria, in late August 2018. (Grey&Heath 2018) Many analysts and among them both authors of this paper thought that Thaçi would agree on whatever offered to him, since he is blackmailed. At his neck always stayed a fear that The Hague Tribunal would at the end of the day play with him. And because of this he was very open to whatever offered if a simple promise was given to him-not to be charged for crimes during the war. Quite interesting: former minister of information in the Milosevic's war government, in one side, and the political representative of Kosovo Liberation Army (two strong former enemies) on the other side, now negotiate to solve the dispute. Hence, Thaçi argued that others "in the region should not be afraid of possible agreement ... even if it includes border change", while Vučić noted that "nobody asked Serbs and Albanians about the [current] borders". (www.crisisgroup.com 2018) Play with the borders in turbulent region and ask for no fear, is similar to "playing with stones within a glass house", every one would say. How deeply all this went, perhaps will not be made public. At least, not very soon. But, "Russia and the U.S. had been briefed and were quietly supportive". (www.crisisgroup.com 2020) Afterwards, in 2019, "Thaçi and Vučić approached the Trump administration with a proposal to restart talks under U.S. auspices". (Pancevski&Lubold 2020)

In fact, the land swap or Kosovo partition is not something new which appeared just recently. It is a very old idea or project which appeared over the history. It has been repeated also by Serbian leaders who were treated as democratically oriented, and not only by the current President Vucic. It was also Serbian President Tadic that, if Serbia is unable to recover Kosovo, partition of the country might be an acceptable alternative. (www.b92 2008) Various analysis show that nothing is going to be gained from the potential land swap or from Kosovo partition. Thaçi and Vucic may have projected something well in their heads and this not is hard to be found out, since among the other Thaçi is out of political games and deals. Instructor Michael Rossi rightfully underlines that "what we do know is that such talk risks destabilizing an already volatile region that includes Macedonia and Bosnia where groups eager to redraw borders would

be quick to capitalize on a new precedent being set. We also know that the United States has again repeated its opposition to any exchange of territories, though its influence in the region is no longer as decisive as what it once was.” (Rossi 2018)

6. EU and USA role

Under the circumstances of either secret or public talks between Thaçi and Vucic, Serbia simultaneously continued with the efforts on blocking Kosovo membership of international organizations. And it succeeded to block Kosovo’s membership in Interpol and UNESCO. Kosovo Government reacted with some measures, against this. In the framework of the EU-facilitated dialogue, “the efforts aiming at concluding a fully comprehensive and legally binding agreement between Serbia and Kosovo had been interrupted since November 2018 following the decision by the Kosovo government to impose customs tariffs of 100 percent on imported goods from Serbia and Bosnia and Herzegovina, citing political and trade related grievances.” (EC Kosovo Report 2020) Based on 100 percent tariffs, which were imposed on all Serbian goods by Kosovo Government, the dialogue was suspended by both parties. Despite these difficulties, the international community has tried to defuse the conflict, in particular through engagement of the EU and the US. In this way, “following his appointment as special presidential envoy for Kosovo-Serbia negotiations on October 04, 2019, US Ambassador Richard Grenell visited Kosovo and Serbia on October 9-10, 2019”. (Stanicek, 2021)

Calls for dialogue and the relief of tariffs came from the international community through very strong messages and very hard pressure, which was not seen, at least not proportionally to Serbia who was the real cause of this. Meantime, Prime Minister Haradinaj resigned due to the fact that he was called by The Hague Tribunal for an interview. Assumptions were (not at any time made clear the main reasons of his resignation) that he resigned because he didn’t agree to remove tariffs. Elections brought results that to someone were not expected, bringing thus the Party VETEVENDOSJE! As the first party which would create new Kosovo Government. This party was against the dialogue between Kosovo and Serbia in as it was developed, ascertaining that the dialogue should be developed between two equal independent states and not as it was until recently. The leader of VETEVENDOSJE! claimed that there will be no more dialogue

without the clear agenda where nothing is to be accepted to be discussed regarding the Kosovo status, regarding territorial integrity of Kosovo and that the Association of Municipalities with the Serb Majority will not be accepted, since it was declared un-constitutional. Thus VETEVENDOSJE! in October 2009 the elections and its leader Albin Kurti became the Prime Minister to lead the government that was not at all similar to any of Kosovo previous governments. For Prime Minister Kurti the dialogue with Serbia was not the priority. He was more oriented towards solving the issues of unemployment, anti-corruption and projects considered to be more important for citizens. Unfortunately, COVID 19 appeared and in Kosovo the pandemic brought in additional political problems of political which were not only of domestic nature. It showed deep disagreements regarding the potential solutions of the Kosovo Serbia dispute. Pandemic was used as the pretext to overthrow the government. Professor Austin, notes that

“Thaçi along with the Trump Administration and even with the Prime Minister of Albania Edi Rama, identified Kurti’s Government as a big threat. Government ended Trump plans for a suspicious diplomatic victory-land swap was removed from the agenda. Therefore, Kurti had to be knocked down, and at the meantime Kosovars, this time definitely believed that their faith was in the hands of foreigners. EU in this regard appeared to be very clumsy in reaction. Maybe to Brussels they suited them more rather than the pretended nationalism of Kurti.” (Austin 2021,296)

Government was knocked down through the vote of no confidence during the peak of pandemic. The process, hard to be seen under such difficult situations where nothing would be more important compared to the health of the people showed also the divergences within the international community related to the Kosovo Serbia dispute. The below statements, taken from balkaninsight.com, confirm this quite easily.

“In a joint statement on Tuesday, the so-called QUINT countries – the US, Britain, France, Germany and Italy, – urged Kosovo leaders “to preserve and ensure the integrity and functionality of Kosovo’s government” in accordance with the constitution.

But the US ambassador to Kosovo, Philip Kosnett, appeared to support the LDK move, saying he was “pleased to see the Assembly will hold a session on the no-confidence vote tomorrow”.

However, the German EU rapporteur to Kosovo, Viola Cramon, slated the no-confidence motion as “unbelievable. Irresponsible. I feel terribly sorry for the citizens of #Kosovo. They don’t deserve this”.

“Really worrying political situation in #Kosovo. In times of crisis, politicians must stand together and protect their citizens! Crucial now to ensure effective response to #COVID-19 – not overthrow the government. Act responsibly!” she added.

Earlier on Tuesday, Germany and France, via a joint tweet from German ambassador Christian Heldt, also urged the LDK “to reconsider the no-confidence vote”. Heldt later emphasized in another tweet that it was “crucial now to ensure effective response to COVID-19 – not overthrow the government”.
(balkaninsight.com)

Dialogue was relaunched in 2020 being supported by the international community. The appointment of United States (US) special presidential envoy Richard Grenell and special EU representative Miroslav Lajčák reflected the importance of the normalization process. However, a lack of coordination and communication between the US and the EU means that no real progress has yet been made. “The reasons for the very limited results are multiple, ranging from the internal political situation in both countries, to ambiguous and asymmetrical expectations of the normalization agreement” (Stanicek 2021). Efforts were made on bringing parties together where Josep Borrell hosted a high-level meeting with the then Kosovo Prime Minister Avdullah Hoti and President of Serbia Aleksandar Vucic. This meeting followed the virtual summit on July 10, 2020 hosted by French President Emmanuel Macron and German Chancellor Angela Merkel in support of the relaunch of the dialogue. “Josef Borrell said that [if there is a political will] ‘reaching an agreement Belgrade Prishtina is matter of months’, not years.” (Stanicek 2021) This obviously was a very optimistic statement, taking into the consideration the entire process of dialogues from its start.

To overcome difficulties, US initiated trilateral meetings which resulted with commitments signed separately by Prime Minister Hoti and President Vucic in the presence of US President Trump, where Kosovo and Serbia committed to economic normalization. Meeting was held in Washington DC, on September 04, 2020.

What is going to be as the outcome of these signed commitments (not frequently seen in the international relations) it is difficult to foresee. At least after the change of the US Administration. During Joe Biden election campaign there were seen signs that the US

Administration would be more active and that will be more deeply engaged in the dialogue. During the campaign there were issued a vision paper according to which candidate (Joe Biden) intended to work with the EU on the Kosovo-Serbia dialogue, presenting Biden as a “long-time friend of Albania and Kosovo and the Albanian – American Community. Antony Blinken stated that the new US administration would help Kosovo and Serbia to move forward: '[Joe Biden] spent a lot of time on those countries in the past, and I think he shares your convictions that there are things we can do to help move Kosovo forward, and also move Serbia forward'. (Stanicek 2021)

Expectations that the solution for the Kosovo Serbia dispute will be found quickly, are not real. The fear that the process will be more difficult derives from the last events happening within the EU, related to potential enlargement and the potential integration of the Western Balkans. Last summit in Slovenia did not manage to set up a clear deadline for these countries. Year 2030 as the potential year for integration of the Western Balkans, raised by Slovenia was refused. After this we would like to cite Sebastian Kurz, Austria’s chancellor, when he said:” If the European Union does not offer this region a real perspective, we have to be aware that other superpowers – China, Russia or Turkey – will play a bigger role there. The region belongs to Europe geographically, and it needs a European perspective.” (The Guardian 2021) Putting this citation under the context of most recent tension between Kosovo and Serbia regarding the vehicle plates, when instead of making more pressure to Serbia, both parties (Kosovo and Serbia) were equalized even though Kosovo was respecting the agreement which expired, with the measures undertaken in the Northern part of its territory. It is good to finish the article with the title of the article, published by the Guardian (2021) which goes: Serbia president lauds Russia ties at the EU Balkans summit.

Thus, an immediate request directed to the US and the EU for more quick coordination and action in solving the Kosovo Serbia dispute is more than necessary.

7. Conclusions

Kosovo remains to be considered as an unfinished state. This is more because of the ambiguous policies being played around it rather than its inside capacities to build itself as a state. This state was created as a result of the efforts of its people and with the strong support of the international community. USA has played a crucial role, but the position and the attitudes of the international community and international politics has changed a lot after 2008 year. Kosovo agreed to enter into an imposed dialogue with Serbia on unequal grounds. The EU facilitated/mediated dialogue did not manage to bring a solution for this dispute as the facilitator/mediator could not conclude whether its institutions keep the neutral position related to Kosovo's statehood. Non-recognition from five EU member states also does not help the efforts for a general agreement. Therefore, Kosovo is not an equal party in the dialogue. Kosovo has shown clearly its orientations towards EU and NATO integration, whereas Serbia in various ways blackmails Western democracies with possible orientations towards Russia and China. The EU pressure is not equally imposed to both parties. Talks and dialogue between Kosovo and Serbia facilitated/mediated by EU have shown that without strong USA engagement, an appropriate solution to this disputes cannot be identified. The process of dissolving former Yugoslavia is a very strong argument that stresses out the need for US engagement. A general agreement including mutual recognition is the best guarantee for peace and stability in the Western Balkans which remains to be fragile. Current situation related to the Russia-Ukraine, can worsen the situation in the Balkans, and a call for a final solution to the dispute is crucial for peace and stability in the region. Time for final solution and the establishment of democracy and peace in the Balkans is at the peak of the momentum. History of the Balkans has shown that delays in the efforts for peace, equality and democracy cannot be justified.

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