

Last week Serbia was granted candidate status for joining the EU, which may offer a way forward for Serbia's future relationship with Kosovo. But rocky times may still lie ahead

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Serbia has been firmly opposed to recognising Kosovo ever since it declared independence in 2008. Now, the country faces a dilemma. If its EU candidacy is to move forward, Serbia must embrace regional cooperation, including with Kosovo.

Denisa Kostovicova argues that much now depends on how Serbia acts towards Kosovo in the near-term following Belgrade-Pristina agreement that paved way for Serbia's candidacy.



Serbia has been granted the coveted status of becoming a candidate country to join the EU last Friday, by the European Council. It comes after a major breakthrough the previous week brokered by the EU in talks between Serbia and Kosovo, the former Serbian territory whose independence Serbia has opposed since it was unilaterally declared in early 2008. But the contradictions in the wording that made the agreement possible are bound to cast a long shadow over Serbia's accession.

Serbia's opposition to Kosovo's independence

'We can dream'. This is how a high EU official described a long-awaited agreed text between Belgrade and Pristina on Kosovo's name – written as a brief footnote and indicated with an asterisk after Kosovo's name. It reads:

'This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.'

This agreement paves the way for direct representation of Kosovo in regional cooperation in the Western Balkans.

Since the end of the Yugoslav wars of the late 1990s, entry into the EU for new member states has been based on countries conforming to various criteria or 'EU conditionality' terms like in East Central Europe. However, in the case of Serbia, as in other countries in the Western Balkans, regional integration, alongside cooperation with the International Criminal Tribunal for former Yugoslavia (ICTY), has been a part of enhanced EU conditionality that aimed to address the post-war legacy of political and economic fragmentation in the region, as well as promoting post-conflict reconciliation. However, Serbia's and Kosovo's diametrically opposed positions on Kosovo's independence put the brake on this process.

Serbia insisted that Kosovo should be represented by UNMIK, the original United Nations overseer of Kosovo's sovereignty after the 1999 NATO intervention which ended the bloody conflict. UNMIK's role in representing Kosovo was retained even after the EU took over as an international lead actor following independence. Kosovo, in turn, insisted on living up to its self-declared independence and representing itself in regional negotiations as an equal partner.

The EU's carrot to Serbia – candidate status

How did the EU achieve what until recently seemed unachievable – namely a prospect of Serbia and Kosovo's cooperation and a degree of recognition of Kosovo's existence by Serbia? After all, the Pristina-Belgrade dialogue had already appeared in dire straits, with agreements having little chance of implementation. The EU's success goes back to its trump card – the ultimate reward of EU membership. In this case, the EU had a double carrot on offer:

- a candidate status for Serbia, and
- for Kosovo, a Feasibility Study which would inaugurate Kosovo's contractual relationship with the European Union, making the EU's declarations of its prospective European future a tangible rather than a rhetorical proposition.

Equally, the wording of the text in the footnote does not endorse clearly either Serbia's or Kosovo's position on Kosovo's independence.

Problems in the long-run for Serbia's accession

The momentary high achieved last Friday overshadows the profound impact that the agreement is going to have both on Serbia and the EU in managing Serbia's accession in the long run, by confirming that Kosovo has become a part of the EU's conditionality for Serbia's accession. When the EU delayed granting candidate status to Serbia late last year, for the first time it was Serbia's intransigence on 'matters relating to Kosovo' that stalled its progress towards candidacy.

So what does it mean to have Kosovo as part of the EU's conditionality? This is where Serbia and the EU begin to part ways. Serbia's officials, including its President Boris Tadic, have hailed the developments saying that it is a proof that the official Serbian policy (summed up as, 'both the EU and Kosovo') works. So, Serbia can pursue in parallel both the goal of European integration and the policy of non-recognition of Kosovo. His defence of this policy is critical for Tadic, just weeks before the elections in Serbia are called.

At the same time, the EU does not seem to be in a position to demand that Serbia recognises Kosovo, primarily because the EU has five member states that do not recognise it either – Greece, Slovakia, Spain, Cyprus, and Romania. Nonetheless, this does not stop the EU from pressing Serbia to implement policies that would loosen its hold on Kosovo – such as Serbia's support to the so-called parallel structures it has set up in the Serb-populated areas in Kosovo.

Whether or not Serbia decides to organise local elections in Kosovo among the Serbs there will show us whether or not last week's agreement heralds a more substantive change of policy. At the same time, it will also test the ability of the European Union to maintain further leverage over Serbia's policy on Kosovo – after handing over a major carrot, although well short of EU membership which is the ultimate prize.

The next developments will be an indication of the nature and effects of the Kosovo conditionality that is bound to mark Serbia's onward course towards EU membership. As far as the EU is concerned, the major question will be their own ability to navigate the contradiction of pressing Serbia's de facto recognition of Kosovo without having achieved a consensus on Kosovo's independence within the EU's own ranks.

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About the author

Denisa Kostovicova – LSE Government Department

Dr Denisa Kostovicova is a Senior Lecturer in Global Politics in the Government Department at LSE, and a Research Fellow at the Civil Society and Human Security



Research Unit in the School's Department of International Development. Her research interests include nationalism and democratisation in the global age; post-conflict reconstruction and state-building; civil society and human security; war crimes and transitional justice; and European integration of Western Balkans. She is the author of *Kosovo: The Politics of Identity and Space* (Routledge 2005) and co-editor of *Bottom-up Politics: An Agency-Centred Approach to Globalization* (Palgrave Macmillan 2011).



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