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**KOSOVO AND THE EUROPEAN UNION:
THE PATH TO INTEGRATION**

Yüksek Lisans Tezi

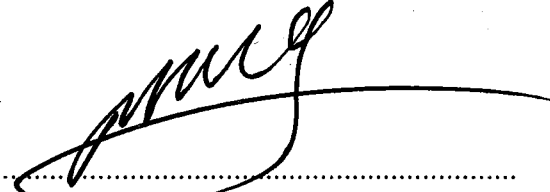
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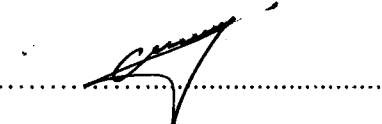
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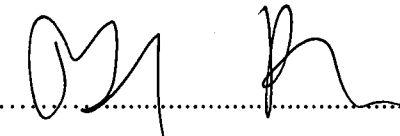
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YLLKA BYTYQI



Kosova ve Avrupa Birliđi: Entegrasyona Dođru

ÖZET

Kosova'nın 28 üyeli politik-ekonomik blokla ilişkileri Sırbistan ve Kosova arasındaki savaşın 1999'da bitişiyile başlamadı. Sosyal açıdan bakıldığında, Kosova'daki Arnavutların Avrupa Birliđi ülkeleri ile 1950'lerin başlarına dayanan uzun süreli ilişkileri vardır. Bu tarih ekonomik ve politik göçün başlangıcını işaretlemektedir. Bu göç örüntüsü, Sırbistan ve Kosova arasındaki çatışmaların arttığı 1990'ların sonlarına kadar iyi bir şekilde devam etti. Doğal olarak, göç olgusu uluslar arasında politik bağların oluşması için temel teşkil etmektedir.

1990'ların başlarında politik görünümde yaşanan deđişimlere bađlı olarak, Avrupa Birliđi Batı Balkan bölgesine ciddi bir ilgi göstermeye başladı. Bu ilgi ilk olarak, sürekli artan çatışmaları yönetme konusunda başarısız kalan (şimdi aşikar olan) çabalarla ortaya çıkmıştır. Savaşın bitişinden sonra, Avrupa Birliđi'nin dahli Kosova Güçleriyle yakın işbirliđi halinde barış gözlemcisi rolüne dönüşmüştür. Bu durum yakın dönemlere kadar devam etmiştir, şu andan itibaren ise AB hukuk devleti alanında neredeyse tam bir yürütme erki kullanmaktadır.

Kosova Özgürlük ordusunun ilk kuruluş aşamalarından başlayarak savaşın en kızgın zamanlarındaki mülteci krizinde sağladığı yardım ve çok yakın geçmişte sağladığı politik ve ekonomik yardımlara kadar Arnavutluk'un Kosova'nın geçirdiđi süreçlerde oynadığı kritik rolün de ifade edilmesi çok büyük önem taşımaktadır. Arnavutluk'un rolü, sadece Kosova'da deđil bölgede de barışın temin edici faktörü olarak bulunan Kuzey Atlantik Anlaşması Örgütü'nün dahli kadar önemlidir.

Kosova yaşam süresi içinde yeni bir aşamaya girmiştir: diplomasi ve müzakereler. Bu alandaki tecrübesizliđinin bir sonucu olarak, açıkçası bu alanda pek

çok g¼çl¼kle karřılařmaktadır. Bunlardan en zoru Sırbistan'la y¼r¼t¼len m¼zakereler sırasında yařanmıřtır. Kosova'nın řimdi seętięi yol iki ve ok taraflı m¼zakerelerde ve ite uygulamaya karar verdięi reformlarda seętięi yol, Avrupa Birlięi'ne tam üyelik iin girdięi uzun yolda belirleyici olacaktır. Bu yolda ok sayıda engel bulunmaktadır: Hukukun ¼st¼nl¼ę¼, adalet, yolsuzluk, organize sular ve Kosova'nın Avrupa Birlięi ¼yelięini kolaylařtılacak olan Sırbistan'la olan iliřkiler gibi alanlarda zorlu Avrupa Birlięi gereklilikleri. Yapılacak ok Őey var ve daha fazla politik isteklilięe ihtiya var, ancak mevcut durumda bu konuda ciddi bir isteklilik bulunmamaktadır.

Kosovo and the European Union: The Path to Integration

ABSTRACT

Kosovo's relationship with the 28-member politico-economic bloc did not start with the end of the 1999 war between Serbia and Kosovo. Looking at the social aspect, Albanians of Kosovo have had a long bond with the countries of the European Union dating back to the early 1950s, which marks the beginning of the economic and political migration. This migratory pattern continued well into the late 1990s, which also marks the height of the conflict between Serbia and Kosovo. Naturally, the phenomenon of migration ensures that the foundation for political ties between nations is also laid down.

Due to the changing political landscape in the beginning of the 1990s, the European Union began to take a serious interest in the Western Balkans. This type of interest was first manifested with, now obvious, failed attempts at managing an ever-escalating field of conflicts. After the end of the war, the European Union's involvement shifted to adopt the role of a peace watcher, in close collaboration with the Kosovo Force. This lasted until recently, since now the EU enjoys almost full executive powers in the field of the rule of law.

It is of pivotal interest to also address the critical role Albania has played in the whole ordeal that Kosovo has gone through, starting with the early stages when Kosovo's Liberation Army was founded, the assistance with the refugee crisis at the height of the war, and more recently with any political or economic assistance it has been providing. Just as important is North Atlantic Treaty Organization's involvement, which still remains the ensuring factor for peace not only in Kosovo, but also in the region.

Kosovo has now entered a new stage in its life cycle: diplomacy and negotiations. As a result of its lack of experience in this field, it is clearly experiencing plenty of challenges along the way, the hardest of which are those faced while negotiating with Serbia. The course Kosovo chooses now in its multi- and bilateral negotiations and the reforms it decides to implement internally will prove to be decisive in its long path toward full membership in the European Union. This path has numerous obstacles: hard-line European Union requirements in the field of rule of law, justice, corruption, organized crime, and the like, as well as the relationship with Serbia, which will not easily come to grips with Kosovo's European Union membership. Much remains to be done and much political will is required, of which there is currently a lack of abundance.

INTRODUCTION

Founded after the Second World War with the aim of ensuring a sustainable peace between the winning and the losing sides, the European Union (EU) is the best example of a successful historic reconciliation. It ensured equal treatment for all parties involved. Its initial focus was to foster a closer cooperation in the field of heavy industries among the founding members, while it later evolved to incorporate the idea of a larger open market for existing members and those to come.

Witnessing the success of this unlikely Union, many countries expressed their firm interest in joining it, which today in 2016 accounts for 28 members. However, seen from an outsider's viewpoint, the EU would only be complete once countries of the Western Balkans were also officially part of it.

The Balkans witnessed heavy unrest in the late decades of the 20th century. As a result, the EU had not foreseen any tangible plans for regional cooperation with the Balkan countries. Nonetheless, developments in the late 1990s in the peninsula, the Kosovo crisis, and the rise of ethnic tensions in Macedonia led to the EU according more attention to the region.

In spite of this, and in contrast to other countries of the region, Kosovo is experiencing difficulties in establishing a healthy relationship with the EU. Challenges are numerous, but the most evident are those in the fields of politics, economics, and security. Together with other former Yugoslav republics in the 1990s, Kosovo was subject to devastating destruction, genocide, and grand scale violence. As a consequence, almost everything had stagnated, especially because the war had destroyed the foundations of the economy, leaving the country at the mercy of foreign aid.

As a result, relations between Kosovo and Serbia saw a new high, to the point of fierce hostility. It was then difficult to imagine a potential change of course in this context. So many years later, relations between the two countries remain tense, and they are certainly not at the level that should normally dictate a natural interaction between two neighboring independent and sovereign states. As such, the EU's mediation in restoring dialogue and cooperation between Kosovo and Serbia is inevitable.

The core concept of this thesis will be the illustration of the hard path that Kosovo has had to go through since the end of the war up until its independence, and then the many challenges related to state-building, the process of dialogue with Serbia in Brussels, what has and has not been accomplished, Serbia's intentional delay in implementing change, as well as the blackmailing it has carried out, and so on.

In its path toward the EU, Kosovo has been given a set of obligations it needs to fulfill in order to first be eligible for accession talks and then membership negotiations. Such obligations include, but are not limited to, economic development, the enhancement of the rule of law at all levels, freedom of movement of people and capital, security, fight against corruption and organized crime and nepotism, as well as the total fulfillment of all duties that come out of the Stabilization and Association Agreement (SAA).

An important place in this thesis will be accorded to the foundation of the Association of Serb Municipalities in Kosovo, as well as the process of border demarcation with Montenegro. In the political sphere, these two processes have ensured increased tension between the ruling parties and the opposition. The lack of

implementation for both has inevitably caused delays and difficulties in the context of the process of dialogue with Serbia.

Although the recent crisis Europe has been facing in the last years has changed the political landscape a little, Kosovo's top and strategic priority remains full political and economic integration in the EU. The EU saw the beginning of this process in the overall stability of the troublesome Balkan region after the developments of the 1990s. In this context, the idea was to aim for creating modern, functioning, and normal states. As simple as it sounds, reality proved otherwise. Seen from the viewpoint of current developments in Europe, it is unclear what the EU will look like in the years to come. One thing remains certain, however: Kosovo and its neighboring countries will one day become part of the big family of the Old Continent called Europe.

Kosovo has been part of the Eurozone for years now, although this has not really impacted economic growth and development or manufacturing or trade. If anything, Kosovo's membership in the Eurozone has been simply symbolic.

In the postwar institution-building phase, Kosovo has governed in tandem with international mechanisms, be that in the political dimension or in the fields of security and law enforcement. In all of these processes, Kosovo has had to work together with international partners, such as Kosovo Force (KFOR), the United Nations Interim Administration Mission in Kosovo (UNMIK), and lastly the European Union Rule of Law Mission in Kosovo (EULEX). The EU's concern remains the level of political maturity and reform in the Western Balkans as a whole. It needs to be pointed out that Kosovo in its path toward the EU has a lot to do. The realization of EU membership as a strategic goal for Kosovo requires fundamental

reforms. While there are attempts to achieve this, Kosovo will need the assistance of its international partners for years to come.

While geographically Kosovo finds itself naturally located in Europe, joining the EU requires new standards and a new modernized framework of governance and development. Kosovo's main duty is to transform and prove its eligibility for membership in the EU.

Due to a long history of regional isolation and harsh economic difficulties, European integration is associated with the full elimination of physical borders in the region, which would guarantee a complete freedom of movement of people and goods toward the EU. Jean Monnet, founding father of Europe, concluded his memoirs as follows: "The Union that we have created is not a goal in itself. The Union is but a step towards an organized world of tomorrow" (Monnet, 1978, n.p.).

European countries that are not part of the EU are classified as:

- the three advanced European democracies (Norway, Iceland, and Switzerland), which can become part of the EU at any time;
- countries of the Western Balkans;
- Turkey, as a special case;
- Russia, Azerbaijan, and Belorussia, which have no intention to join the EU; and
- Ukraine, Moldavia, Georgia, and Armenia, which aim to join the EU.

European integration implies the approximation of the fundamental values on the basis of which this great interstate mechanism was built. As such, this project should be viewed as a set of reforms that bring the country closer to the model of a European state, democracy, and state functioning, not just as a simple move toward the West.

The EU is a dynamic organism that has often experienced deep institutional and legal transformation and reform. In parallel to these processes, the EU has seen a constant expansion, welcoming new members in its midst.

In this thesis, I aim to reflect upon and assess every attempt that Kosovo is making, in cooperation with the EU, to overcome the current political stalemate, fragile economic and security conditions, so that it transforms itself into a key stability and prosperity factor in the region.



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ABBREVIATIONS

AAK	Aleanca per Ardhmerin e Kosoves
AKR	Aleanca Kosova e RE
ASA	The Association Stabilization Agreement
BERZH	Banka Evropiane per Zhvillim dhe Rindertim
CEFTA	Central European Free Trade Agreement
CMAS	Conducting Mechanism of Association and Stabilization
CP	Called Civil Protection
DLK	Democratic League of Kosovo
DPK	Democratic Party of Kosovo
EBRD	European Bank for Reconstruction and Development
EC	European Council
ENTSO-E	European Network of Transmission System Operators for Electricity
EULEX	The European Union Rule of Law Mission in Kosovo
EU	European Union
GD	Respective General Directories
IBM	The Integration Border Management
ICJ	International Court of Justice
IMF	The International Monetary Fund
ITU	International Telecommunication Union
KFOR	Kosovo Force
KOSTT	Transmission, System and Market Operator
LDK-DLK	Lidhja Demokratike e Kosoves
MSA	Marreveshja e Stabilizim Asociimit

NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Co-Operation in Europe
PAK	The Privatization Agency of Kosovo
PDK-DPK	Partia Demokratike e Kosoves
PSA	Kosova ne Procesin e Stabilizim – Asociimit
RAEPC	Regulating Authority of Electronical and Postal Communications
SAA	Stabilization and Association Agreement
SAPD	Stabilization and Association Process Dialogue
SE	Social Enterprises
TI	Accordig Transparency International
UCK	Kosovo Liberation Army
UK	United Kingdom
UN	United Nations
UNMIK	The United Nations Interim Administration Mission in Kosovo
UNOSEK	United Nations Office of the Special Envoy of the Secretary General for the Future Status Process for Kosovo
VV	Vetevendosje
WB	World Bank
WMO	World Market Organization

CHAPTER 1

1.1 The Political History of Post-War Kosovo

After the war, we found in Kosovo the presence of the military troops of the North Atlantic Treaty Organization (NATO), KFOR, and the United Nations Mission in Kosovo. Most of the people in Kosovo were refugees during the war because of the ethnic purge that was organized by the military and pre-military Serbian forces led by the criminal, Balkan's slaughterer, Slobodan Milošević. The people of Kosovo were transferred and deported in Albania, Macedonia, Europe, the United States, and many other countries and other continents. The war brought destruction, graves, lost people, and poverty. After the biblical return of the habitants who had fled the terror, Kosovo began to be restored step by step after the war by people who were pleased with the freedom they received.

After the war, Kosovo was almost entirely destroyed. Houses, schools, cities, and entire villages were destroyed. But very rapidly, with the help of international friends, reconstruction began as part of humanitarian aid. Many houses and schools were rebuilt. Yet the difficult economic situation after the war has continued until now. Very rapidly, after the war was over, the political organization also started in Kosovo, even though they had no normal circumstances for operation. In the scheme, except the ones that were formed before the war, some new parties were formed that were ready to enter the election rally process.

The first official free elections in Kosovo were held on October 28, 2000, only a year after the war. In the year 2000, under the temporary government of Hashim Thaci, the Albanians from Kosovo went to the ballot boxes to choose their local leaders. Among two parties, the first local elections of 2000 and 2002, the Democratic League of Kosovo (DLK) as a historical party exercised hegemony

against the other parties by governing over the biggest part of the municipalities. But, from one election process to the other, the influence of DLK was fading considerably. The big overturn of the DLK would start in the elections of November 17, 2007, in a very complex process, where the Albanians of Kosovo would vote for the parliament, mayors, and municipal councilor. A crucial factor in the knockout that DLK received in the elections was the death of its historic leader, Ibrahim Rugova, in 2006.

On the other hand, the Democratic Party of Kosovo (DPK) would receive control over most of the municipalities in 2007. What was new in these elections was the involvement for the first time of the New Kosovo Alliance, which was enlisted as one of the three main political powers of Kosovo. In the local elections of November 15, 2009, the first elections after the Independence, the electorate of DPK grew with over 200,000 votes. In the parliamentary elections of December 12, 2010, DPK resulted as the most voted party, DLK was second, and following were Vetëvendosja (VV), the Alliance for the Future Kosovo, and the New Kosovo Alliance.

The local elections of November 3, 2013, played a special role for Kosovo, because for the first time they were held in all of the country's territory, with the participation of political Serbian subjects too. This election process generated interesting results, by bringing a decrease of the voting number for DPK that was in power. Not only this, but DPK lost in some of the municipalities of Kosovo where it had won in 2009. The other political parties like DLK, Aleanca per Ardhmerin e Kosoves (AAK) decreased too, as VV achieved the municipality of Pristina. The early general elections of June 8, 2014 were the fourth since 2001 in Kosovo. In these parliamentary elections, DPK was first and DLK was second, VV was third, and so on. The victory of DPK was contested by other parties for a long period of

time and no one wanted to enter in a coalition with DPK to form the government. After six months, even though DLK was the main rival of DPK, it entered into a coalition with the party of Hashim Thaci by being together in power until today.

The class in power today has not produced the expected results in the political sphere as in the economical and other spheres. The political rivalry has deepened, and for a whole month in 2015, the opposition has organized various protests inside the parliament and outside of it, by aiming the collapse of this government of the coalition DPK–DLK. The unemployment rate has increased, poverty has grown at an extreme rate, and the economy is stuck.

The opposition has abandoned the parliament as a sign of discontent and has promised that they will continue the protests and their war against this unnatural government. We also need to emphasize that after the war, the northern part of Kosovo and some other Serbian municipalities inside the country are left non-integrated in the system of Kosovo. Beograd is influencing there even though the institutions of Kosovo have offered continuous cooperation (Vizion Plus TV Albania, 2016).

Negotiations between Kosovo and Serbia in Brussels for the normalization of the rapport that has started many years before are not bringing any results, because Beograd is not respecting the achieved agreements in Brussels. The EU also bears some guilt for this situation because it is tolerating Serbia a lot, with its aim to lead Serbia to the EU and for the Russian influence to diminish in the Balkans. The negotiating process continues but it has lost all its credibility and as such it is not expected to bring any results.

The role of the EU in Kosovo has been very important. Its aim was to stop the war and to secure a stable peace and the creation of institutions of reliance between

both parties. This support was achieved thanks to the forces of NATO. It was the military peacekeeping mission of the EU to stop the military offense over the civilian population of Kosovo, to prevent the humanitarian catastrophe of the wave of refugees, and to put an end to the risk of the spread of conflict in the region. Ultimately, this was the final wall for Serbia, and from this moment Kosovo changed radically for good and is now living under the long expected freedom. The EU, with its presence since the beginning, started to treat Kosovo in a more dignified way toward the rise of a state and developmental structure.

The EU, after immediately noticing the lack of freedom in this people, marched in its aid in many spheres like political, economic, and diplomatic (Bajraktari, 2014). Kosovo is now one of the most Europeanized countries, with direct political missions that implement and aid the state formation of Kosovo. This tendency continues to increase, which also shows the European future of Kosovo. The most challenging moments had to do with the status and the roles that the EU would pass after the freedom, where such a thing was defined after the finalization of the independence of Kosovo. One of the most climactic moments was the declaration of independence in February 17, 2008, which for the people of Kosovo was a dream come true.

The objective of the EULEX mission's arrival is to support Kosovo toward the European integrations in the fields of the rule of the law, and the EULEX's expertise is being used to support the main aims of the EU in the process of the liberalization of visas, the study of feasibility, and the Pristina–Beograd dialogue (Weber & West, 2014). The EULEX also supports the structured dialogue over the rule of the law, led by Brussels. The EULEX is continuing its devotion in the war against corruption and the close cooperation with local colleagues to achieve stability

and the best practices of the EU in Kosovo (European Security and Defence Policy, European Union, 2009). Kosovo remains a state with full confidence to be a potential candidate for integration in the EU and part of the expansion process. Even though five members of the EU have not recognized Kosovo, the EU, thanks to its capacities and engagements through acting missions, is very active in Kosovo by helping it and bringing it closer to the EU.

Such missions have proven capable of preventing conflicts and bringing prosperity and stability to the region. Kosovo is one of the latest countries that is out of the war in this region, with great consequences like the loss of people, the eviction, the destruction of residence facilities, and the economic structure. These realities enlisted Kosovo in a new reality, by helping for its consolidation in all of the spheres as a functional state, by protecting freedom and democracy that is continually building and materializing. That is why such roles are very important. The process of the liberalization of visas and the free movement of civilians is still a challenge and an unfulfilled aim, even though it has already started and is being officially negotiated with Brussels.

1.1.1 Albania's Role in the Independence of Kosovo

On February 17, 2008, the lawgivers of Kosovo would commit a historic act with a great vital importance for the future of this country when they signed and consented to the Declaration of Freedom. This date marks one of the most significant days in the history of this country, which is already deeply and strongly embedded in the minds and hearts of everyone (Republic of Kosovo, Assembly, n.d.).

The Declaration of Independence was an act that came as a coronation of the titanic attempt of a people martyred from the dictator of Slobodan Milosevic.

Unredeemed in the memory of every Albanian is still the suffering, sacrifices, and terror that the Kosovar brothers and sisters suffered in those hard days of their lives in 1999. At that time, the dictatorial machinery was implemented strongly and with great ferocity was poured in the life of the people of Kosovo. Every Albanian remembers the opening of the doors in the houses and the hearts and spirits for their brothers in the day of the big exodus toward Albania. Thanks to the great support of the United States, of the president Bill Clinton, and the energetic intervention of NATO in defense of the lives of the Albanians of Kosovo, the capitulation of the destructive offensive undertaken by the last bloodthirst of the Balkans, Slobodan Milosevic, was achieved.

Throughout these years Albania has paid a special importance and has prioritized the enforcement of the collaboration with the state of Kosovo through the development of a political and technical dialogue in all of the spheres and in the maximum support in the regional and international organisms (Sulcebe, 2016). These targets and goals of its diplomatic activity have already met actual results. Kosovo was in the focus and priority of the Albanian Presidency of the European Council Ministers Committee. What also was crucial for Albania was the involvement of the European Council (EC) in Kosovo, which through its mechanisms strongly promoted democracy, human rights, and the legal state, with a clear goal to offer to all of the citizens who live there a clear European prospective. In its position, Albania requested for a quick membership of Kosovo in the EC, as a chance to embrace with all of the European values in the consolidation of this new state, toward legislation, of all of the legislative corpus of Kosovo in a full correspondence with European standards, the adaption of its legislation in all of the EC treaties, especially those related to democratic institutions, minorities, and cohabitation.

The excellent relationships between Albania and Kosovo are a model of regional collaboration. In cooperation with the Kosovo diplomacy and our partners, there was a strong advocacy for the international recognition of Kosovo, which today has over 110 recognitions from different countries. In the framework of these recognitions, Albania has initiated resolutions that call for the recognition of Kosovo from the countries of the Organization for Islamic Collaboration, as the second biggest organization after the United Nations (UN), with 57 member countries across four continents. Lately, in its declaration, the organization calls its member countries, which have not yet recognized Kosovo, to decide for the recognition of the independent and sovereign state of Kosovo. The Albanian lobbying activity organization through all these years has brought positive results with an orientation to the participation and membership of Kosovo in regional mechanisms, where we can mention the membership of Kosovo in Banka Evropiane per Zhvillim dhe Rindertim (BERZH) or European Bank for Reconstruction and Development (EBRD). Albania has supported the continuation of the Pristina–Beograd dialogue, with the intermediation of the EU and the uninterrupted attention of the United States, and encourages the implementation of all of the achieved agreements and the others that will come to pass between both countries. On the other hand, Albania has strongly supported the preservation of the sovereignty and territorial integrity of Kosovo and has objected to all of the practices or plans that have been against the normal exercise of this sovereignty.

Of course, the way of the democratic state consolidation is long, with challenges, devotions, and everyday work. Albania is with Kosovo in this walk with initiatives and multiple support, a position that will never be changed, but on the contrary will strengthen and grow even further. Both countries aim to be a force for

peace, harmony, and stability, not only in the region, but also in the international arena. The first 8 years of the Declaration of Independence finds Kosovo with high achievements, evaluated and supported by the international factor. We are convinced that in the next anniversaries Kosovo will be even more powerful politically and economically, and with an even further democratic society, where the help and support of Albania will never be missing.

1.1.2 NATO's Role and the United States

In the evening of March 24, 1999, the international community decided to intervene militarily in Kosovo. Thus, the international community began to fix a great historical injustice conducted in 1913, a consequence of which, to the most important part of the Albanian territories and population homogeneously spread, was negated the sovereignty and the right to be part of the Albania declared independent in November 1912.

This act of the important actors of international politics put an end once and for all to the negation and wild outrage almost age-long of the rights of the Albanians of Kosovo, which culminated in the genocide and the displacement of biblical dimensions organized by the dictatorship of Milosevic in the end of the 1990s. The intervention of NATO in Kosovo created new circumstances in the Balkans by bringing very important help for the transformation of this region in a geopolitical space with a stable peace, long-term security, and human energy for dialogue and interethnic and interstate collaboration. The international military interventions in Kosovo, and some years before it in Bosnia-Herzegovina, have been crucial factors for the Balkan countries to be involved in quick steps for new developments relating euro-Atlantic great integrations (Bojaj, 2012). It is a clear and incontestable fact that

the Balkans is made of countries that are members or candidates for membership in important international institutions like NATO and EU, which means that the long chapter of interethnic bloody wars is over, not to be opened again.

That intervention cannot be simply regarded as a moral act or attitude of appreciation toward the international community and its main actors like the United States of America and NATO for the support given to the Albanian people. Beyond the deep and natural appreciation lays the civic need for an event like this to be inscribed in the historical memory of the Kosovar nation generation after generation and to not be forgotten, to then be transformed into a source of thinking and acting in a wise manner in our way toward the future.

The 16-year period of time beginning March 24, 1999 set Kosovo free and after a few years, to become an independent state. This period of time has testified and will testify to many generations about the righteousness of NATO's decision to intervene in Kosovo against the military genocidal machinery of Milosevic. The Albanians showed to the international community that they used the freedom they gained with wisdom and courage to successfully build their new democratic state with euro-Atlantic integrative purposes. In this case, Albanians from everywhere should feel proud for the progress of the new state of Kosovo.

NATO's intervention in Kosovo is truly a historical fact that relates to Albanians, but it has been very important even for other peoples and countries of the region, by giving them the chance to enjoy a long-term peace and security. Especially for Serbians, the independence of Kosovo has also been the rise of the chance for them to be relieved from the aggressive nationalistic mentality of the rule of Milosevic, by taking off of them the main obstacle for the improvement of the relationship between Serbians and Albanians inside Kosovo or as different countries.

The successful intervention of NATO in Kosovo is now converted as a part of the new history of Albanians, but also of the other peoples of the Balkans. I believe that only the future will prove that free Albanians will be a permanent factor for peace and security in the Balkans.

As with every other decision for military intervention in an international level, the decision to intervene in Kosovo has not been easily made. The international right or international laws are such that they always require discussions, consensus, and a long period of time to decide for military intervention. The cases of quick and consensual decisions of the international community for military interventions are rare. The condition of Kosovo in March 1999 was completely extraordinary, with almost a million Albanians deported from their territories through massacres or threats for massacres projected as part of the Milosevician politics for ethnical cleansing of the Albanians. The remarkable historical fact was that time was passing, and every day that went by without an international intervention benefited Serbia's cause to plan and commit genocide against Albanians in the center of Europe, especially just a few years after something similar had happened with tragic consequences in Bosnia-Herzegovina. In these circumstances, it was the United States that initiated the intervention of NATO in Kosovo, without waiting for the approval of the UN. At the core of such an action was the American conviction in the justness of this decision, as well as the understanding and support of all of the other member countries of NATO. The later involvement of the UN and other international organisms in the process of Kosovo proved once more the justice of the United States of America's role and the decision of NATO to intervene in Kosovo.

This special role of the American state is a fact that should be strongly imprinted in our minds as Albanians, but also in the European political culture of

international relations. If the intervention in Kosovo would have been delayed, the Serbian ethnical cleansing in Kosovo would be completed and the Balkans would remain even today in the vortex of maybe the bloodiest interethnic conflict that has ever happened in history and without a prediction for a way out.

In Mr. Arian Starova's opinion (2014):

First, the United States of America knew very well historically the Albanian problem in the Balkans since the Declaration of Independence in 1912, where almost half of the Albanians territory and population were left out of the boundaries of the new Albanian state. The problem of Kosovo was judged as unique or unrelated other ethnical issue of the same kind.

Second, the American state had no direct interests in Albania and could have been in better circumstances than the European countries to judge the Albanian problem in an impartial way supported on the principles of the international right.

Third, the experience of the genocide in Bosnia-Herzegovina and the then failure of the blue berets of the UN had convinced the United States of America that if in Kosovo would be repeated the same genocide, this would cause a severe harm to the authority of the international community and to the public trust in the new international order.

Fourth, the dense American diplomacy in an international level and the serious and vast information for the concrete flow of events inside Kosovo had convinced the American decision-making authorities that only stopping militarily the Serbia of Milosevic would be the solution to the problem. The failure of the Conference of Rambouillet served as the last argument for the need of a military intervention from NATO.

Fifth, maybe for the first time in history, the United States of America gave a very special importance to the military intervention in the name of human rights. After the intervention in Kosovo, NATO started to play a new international role because for the first time in its history it intervened militarily in defense of human rights, outside its space of military operation. The global circumstances that were created later, especially after the terrorist strike of September 11, 2001 in New York, made this new international role of NATO to widen.

For all of these reasons and many more, our gratitude goes to the United States of America and NATO, for everything they have done for the Albanians of Kosovo and all of our region of the Balkans. (Starova, 2014, paras.7–10)

1.2 Kosovo's Political War for Independence

If the western governments' lack of political and military will to find a strategy for the placement of the status of autonomy, then it would be better to advise the immediate start of negotiations for the independence of Kosovo. Of course, Kosovo will be independent. For this I am sure. (David Owen, 1999)

Sixteen years after NATO started bombing the remaining Yugoslavia (Serbia and Montenegro), if you see in retrospect the developments for and around Kosovo, this will reinforce the conviction that the military aerial intervention of the West in 1999 was very necessary to convict the crimes of the Serbian state. How wrong were those who saw this intervention as a mistake and as a violation of the international right in the time when the state sovereignty could not be used as a shelter to justify a

hegemonic ideology and politics. The ex-Prime Minister of the United Kingdom (UK) said in his memoir that the foreign policy based on close interests was old-fashioned: “Global alliances should be based on common global values,” emphasized Blair (2010, p. 225), explaining his persistent attitude toward the bombing of Serbia in 1999.

When you see the then attitude of the international centers for installment, especially on the political status of Kosovo, we understand how much it has changed in relation to Kosovo. In the West the biggest change has happened: Instead of the Westphalian concept, the world has accepted the right of the Albanians of Kosovo for citizenship, something that was also the genesis of the problem of Kosovo. There might be different thoughts, but something that cannot be denied, the fight of the Liberation Army of Kosovo (UCK) and then the military intervention of the USA and of the EU resulted in the freedom of a whole people that were occupied since the time of the Balkan war of the years 1912–1913. And, coinciding, it was exactly Kumanovo where the first Serbian expansion over Albanian territories was sealed in the Balkan war. This was the place where in June 1999 NATO and the remaining Yugoslav Army signed the Military–Technical Agreement, through which came the war’s end and the withdrawal of police and military troops as well as the repressive apparatus of the occupying state of Serbia from Kosovo and the dislocation of the multinational forces of KFOR.

But the case of the status remained open, as Serbia did not give up its hegemonic ambitions to return Kosovo inside its sovereignty. Even the case of the status of Kosovo on February 17, 2008 found its democratic and constitutional framing, with the Declaration of Independence, in Serbia still reigns the spirit planted from Milosevic, because the actual power, the former opposition of the Serbian

tyrant, cannot progress because it sees the case of Kosovo with the old dioptry of the Greater Serbia.

Despite this, the Kosovo war changed international politics and signaled a new start in the international plan, by becoming a humanitarian intervention model. So the case of Kosovo became a model of international military interventions (Bajraktari, 2014).

The Kosovo war at the end of the 20th century and the intervention of the West proved that in the period after the end of the Cold War, human rights were gaining priority relating the state's sovereignty. This war affirmed the doctrine of humanitarian interventions, even without the mandate of the Security Council of the UN. And the case of the self-authorization to bypass the Russian threat with a veto in the Security Council to the case of Kosovo was not repeated. This intervention of the North Atlantic Alliance presents the example of added global awareness of regional responsibility and a new moment in the international right. The Western intervention in the war of Kosovo to put an end to the murder of an entire people and to the gravest crime against humanity signals the start of an international rights development process and acknowledges the need for the recordation of a new balance between the international rights principles, so the state's sovereignty and the human rights validity.

The evolution of this development of the international right, which until the end of the Cold War saw the countries only as a subject of the International Right, a classical concept inherited from 1648 with the peace of Westphalia that created the basis for territorial and state regulation of Europe, was of course sealed with the decision of NATO and the EU for the military intervention in Kosovo, a development which has fulfilled the so far international right. The intervention in

Kosovo, the individual responsibilities to justice, and the international obligation for the defense of people from terror and violence have dramatically changed. However, as in the UN Carta, humanitarian intervention is not defined in a clear way, as there are no responsibilities for the question on how should be acted upon, when a state conducts crimes against humanity toward a people inside its recognized and accepted sovereignty. Thus, the military intervention of NATO against the repressing infrastructure of the dictatorial and chauvinistic regime of Beograd was transformed into a topic for debate in international political and intellectual circles, which estimated this aerial military intervention from different perspectives.

The main question has been and continues to be this: Did NATO have the right to intervene militarily without the approval of the UN in the ethnic-political conflict inside a sovereign state, even though it had a humanitarian purpose and aimed to put an end to the ethnical cleansing? The question was whether this military operation was legitimate, even when the UN, because of the inherited mechanisms from the future, was incapable of preventing the mass violation of the Albanians' rights, even when it was threatened from mass deportation.

Furthermore, the interference of NATO in the war of Kosovo did not happen from a geopolitical interest but simply by an entire humanitarian character.

Democratic principles, human rights, to which the United States and EU gave priority even in relation to the state sovereignty, were questioned. Exactly this made legitimate the attack of NATO toward the remained Yugoslavia, even without the authorization of the UN.

But in the war of Kosovo the case was not only about moral values, but also for security purposes. If Western democracies would give up, then, the risk was that in the Balkans would be created a whole new map, by being based on the other great

nationalism ideologies. And it was clear that every pacifism toward Milosevic would bring even more mass graves. So to make this impossible, the West chose the option of intervention (Dalipi, 2013).

To make impossible the repetition of such tragedies in the future century, in my opinion, it is necessary for the international community to reach a consensus, not only for the core principle, that action should be taken toward systematic and mass violation of human rights without taking into consideration where they happen, but also in the way of decision making for it, about which actions are necessary and where and when they will be executed. The conflict in Kosovo and its consequences urged a globally important debate, as Kofi Annan stated in the 1999 article with the topic “Two Concepts of Sovereignty.”

But which is the other legal excuse, *jus ad bellum*, for the aerial intervention of NATO against the remained Yugoslavia, in March 1999. The leaders and experts of NATO articulated in a very convincing way the case of intervention in the war in Kosovo, by referring to the collective self-defense and regional security according to articles 51, 52, and 53 of the United Nations Charta of the UN. Put differently, the states that are members of the NATO had predicted the restatement of the events that were seen some years ago in Bosnia-Herzegovina. Some members of NATO estimated that the intervention was reasonable based on humanitarian motifs, by mentioning the plans of Milosevic to ethnically cleanse Kosovo.

According to the well-known Latin-American writer Mario Vargas Losa, the intervention of NATO against the remained Yugoslavia was delayed for 10 years, and that is why it needed to be reproved, not because of the intervention but because of its delay, which had severe consequences for Kosovo, where the severest crimes against humanity happened. This delay turned on the green light of the dictatorship

of Beograd to bring to life its plan for the ethnical cleansing of Kosovo, one of the cruelest crimes against humanity that has happened, comparing it from the nature even though not from the number with the Holocaust of the Hebrews that was conducted by Hitler or with the deportation of the people from Stalin, who was firm in his purpose to Russianize the Soviet Union.

The theory of legal justification supports the action of NATO against the remained Yugoslavia. Although it was not entirely according to the international right criteria, it was legitimate in proportion to the human rights violation in Kosovo. Even in the International Independent Commission report for Kosovo published in October 2000, there are two main conclusions.

One conclusion is that the intervention of NATO in the war in Kosovo, namely against the remained Yugoslavia, was not legal, but was legitimate. The intervention was not legal because it was conducted without the preliminary approval of the Security Council of the UN, but on the other hand it was legitimate because in Kosovo grave violations against human rights were made. All of the diplomatic possibilities were depleted because Kosovo was set free and everyone who was deported from the Serbian forces was able to come back to their houses (Office of Information and Press, 2001). The well-known German publicist Hans Magnus Enzensberger, writing about the war in Kosovo, emphasized that “between the war that the Serbians conduct and that of the NATO in Kosovo exists a gap of 400 years” (Habermas, 2006, n.p.).

The Declaration of Independence of Kosovo in February 17, 2008, was the coronation of a painful journey of tears and blood for the Albanian population there. For many years until June 1999, Albanians suffered the consequences of the ethnical cleansing from Milosevic’s army. After the war ended and the international troops

were placed in Kosovo, on November 2005 officially started the process for the ultimate status.

After June 13, 1999, when the Serbian forces were forced to leave Kosovo, this country was administrated from UNMIK, a UN mission, and the democratic institutions of Kosovo: the assembly, the president, and the government. Even though Serbia did not have control over Kosovo, in the 1233 resolute of the Security Council, it was mentioned a few times that Kosovo is a protectorate of the UN, but legally part of the Federal Republic of Yugoslavia (Republic of Kosovo, Ministry of Local Government Administration, 2014). On February 2, 2007, the special delegate for the status of Kosovo, Martti Ahtisaari, submitted his proposition in Pristina and Beograd for the conditional independence of Kosovo, a step that led to the creation of the independent state. After many rounds of negotiations, Kosovo was proclaimed independent on February 17, 2008 (Ramet, 2010).

The International Civilian Office took the responsibility to supervise the implementation of Kosovo's independence. Some days later, a group of countries that recognized Kosovo's independence founded the Leading Group that would supervise the new state. The plan of Ahtisaari was never implemented in the northern area mostly inhabited by a majority of Serbians, where the institutions of Kosovo are not recognized and accepted. The plan predicted the creation of a new municipality in the northern Mitrovica that has not yet been implemented. On December 9, 2008, EULEX, the European mission for the rule of the law, took the place of UNMIK. On July 22, 2010, the International Court of Justice confirmed that the independence of Kosovo had not infringed any article of the International Law (European Security and Defence Policy, European Union, 2009). The conclusion of the supervised independence on September 10, 2012, is seen as a chance for a further delay of the

steps for the integration of Kosovo. The closest challenge for the new country is the removal of the visas, but the most important remains the aspiration to enter NATO and the integration in the EU.

The public opinion of Kosovo and further, lately have written, spoken, debated, and talked with great interest for the EU, especially after the achievement of the agreement between Thaçi and Daçiç, with the mediation of the baroness Ashton, and after Serbia was given the right of a candidate to start membership negotiations; meanwhile, Kosovo signed the Stabilization and Association Agreement (SAA). The EU is made of 28 countries and there are six other countries that are not yet affiliates: Serbia, Bosnia-Herzegovina, Montenegro, Kosovo, Macedonia, and Albania, which are in different phases towards the affiliation; from being a candidate for Stabilization and Association to Candidates to be accepted as members of the EU (European Union, 2016).

1.2.1 Negotiations With the European Union (EU)

With the purpose to advance the collaboration of Kosovo and the EU in the context of the Stabilization and Association process, the European Commission (EC), in its press of 2009 “Kosovo—Fulfilling its European Prospective,” started an intensive political dialogue named the Stabilization and Association Process Dialogue (SAPD), which since 2003 had been known as the Conducting Mechanism of Association and Stabilization (CMAS). In the context of this mechanization are organized meetings with a high plenary and sectorial level with the purpose of the creation of compliance with the rules of the EU to the places that are potential candidates (The European Union Office in Kosovo, Special Representative of the European Union in Kosovo, 2016b). The main purpose of the plenary and sectorial

meetings, respectively political and technical of the SAPD, is the conduction and monitoring of the reforms in Kosovo, and also of the EU integration process versus the appointed priorities in the European Partnership, approved by the Council in 2008 (Kosovar Civil Society Foundation, 2014).

The plenary meetings of SAPD are held once a year. The first meeting was held on June 2010. The meetings of the CAS are guided by the European Commission and the Government of Kosovo. Every meeting results with subsequent agreed-upon actions that will be undertaken by the authorities of Kosovo. In addition to the plenary meetings, also in the context of this process are organized sectorial meetings. In these meetings, sectorial experts of the European Commission who come from respective General Directorates (GD) meet with local ministries and experts.

The meetings are organized in this track around seven sectorial topics with the purpose of the technical discussions deepening in the fields of justice, freedom, and security; innovation, information society, and social politics; commerce; market and inner competition; agriculture and fishing; transport, environment, and energy; and economical and regional development. The sectorial meetings of SAPD are held once a year: one time in Pristina and another in Brussels. The dialogue with Kosovo continues between assemblies and between two meetings. Besides these meetings, the EC together with the government of Kosovo have also launched the dialogue about the rule of the law, and parallel to this is being worked in the special group for the public administration reform.

The EU has started the dialogue for the liberalization of the visas and has introduced the guide to the authorities of Kosovo in 2012. The EU agreed to widen the autonomous arrangements of commerce for Kosovo in 2011. Kosovo is also

included in the Regional Convention for the Paneuro-Med Origin Regulations, in which it can actively be part after the agreement is signed. Kosovo is preparing for an integration in the framework about the economic and fiscal supervision. On March 2011, the EC recommended to the Council to authorize it to negotiate the frame agreement, which allows Kosovo to be part of the programs of the EU. On December 2011, the Council noticed that the socio-economic development of Kosovo would develop through its affiliation with the EBRD, something that was achieved in the spring of 2013 (Republic of Kosovo, Ministry of European Integration, 2015d). Kosovo profits from the Assistance Instrument before the Affiliation program, a cross-border collaboration with Albania, the Former Yugoslav Republic of Macedonia and Montenegro. Altogether between the years 2007–2013, around 660 million Euros were given to Kosovo (European Commission, 2014). Together with the authorities of Kosovo, the EC has started a structured dialogue on the rule of the law. This demonstrates a political devotion of the authorities of Kosovo and the Commission to face the challenges in this field since the early phases of the expansion process.

Until now, the EC and Kosovo have fulfilled fourth cycles of the Stabilization and Association Dialogue Process. This dialogue is witnessed to be an effective mechanism to monitor and advise Kosovo in the actions that need to be taken in the implementation of the European agenda for reforms. This mechanism also requires counseling with civil society organizations (European Union Office in Kosovo, 2016). For a long period of time, Kosovo has not had a contractual relation with the EU. But the EC had recommended the start of negotiations for the SAA, and this recommendation was approved in the meeting of the Council that was held on June 28, 2013. The negotiations for an SAA with Kosovo started on October 28,

2013, and after many rounds of meetings, the Stabilization and Association Agreement (SAA) was signed this year. This agreement will bring many privileges to Kosovo in different fields and will bring new investments as an economic aid to the country (Atanet, 2016).

1.2.2 Albanian–Serbian Relations

The Albanians of Kosovo returned indeed from many years under the Nemanjic predecessors to be strengthened by the past ideologies and justification of ethnical cleansing in the name of history. The political relation between the Albanians of Kosovo and Serbians crosses through three main phases, by starting from the late Middle Ages until the present, to reach a situation of mutual acceptance before the integration in the EU, even though imposed from the outsider condition because of the longed-for European family. The first phase crosses the span limited by the fate of Serbian rule in Kosovo and very well can be considered as the period of transference of the Albanian element in this region. We need to mention since the beginning that the original documents, before the political contact between the two peoples, are exceedingly rare and problematic for the Serbian element as well as for the Albanian one, as historical interpretations based on archaeological and linguistic data are not missing. To exactly not enter the polluted zone by bipolar ideologies with such interpretations, I will be concerned with the relations that start with the expansion of the Nemanjic dynasty in Kosovo in the end of the 12th century.

In these relations, the Albanians of Kosovo come out in the historical scene in the lists of Serbian churches and in juridical acts of Serbian rulers, of course as a submitted population. By observing some of the nominal lists of Serbian churches between the 13th and 14th centuries, we can notice the reduction of the non-Serbian

element that means the Serbization process progress. The documents of the period of Milutin and Dushan bring forth an Albanian element who cultivated the fields—so he lived in rural areas not only mountains—and, why not, at least in the period of Milutin, he belonged to the same category as Serbians. This is the reason why the presence of the Serbian anthroponomy in documents is gradually swollen. The Serbizing pressure throughout the years of Dushan is institutionalized, but the mechanism was more primeval and not necessarily violent, because those few years are not enough to assimilate a whole population.

Two factors affected the assimilation. First, the lack of the ruling Albanian class with a political weight or at least there are no documentary prints left. Some Albanian nobles beyond Drin River are also difficult to be determined ethnically from the anthroponomy. Except this, until the death of Dushan they were integrated in the Serbian power—the Balsha, Jonima, Blinisht, Zaharia, and Span families, et al. In the 17th century there were Albanians who tried to elevate the name of the family by looking for common origins with the Serbian rulers. I can cite the most famous case, Pjetër Bogdani. In his book “*Çeta e Profetëve*” (“*Band of Prophets*”), he confirms that Nemanja gave his field to a predecessor named Bogdan “from Ferrum [Iron] to River Assio [Vardar],” whereas later, according to P. Bogdani, his predecessor “worked as the vicar of George [Brankovic], the Despot of Serbia.” These historical data are borrowed from Mauro Orbini, who tells a Middle Age history with a romantic fantasy.

The second factor was religion. With the transformation in an official church (1219), even identifiable to the ruling dynasty, the Serbian Church starts its absolute domain in the religious sphere in Kosovo and elsewhere, of course not from nowhere, because it was built on the foundation of the Bulgarian–Byzantine

orthodoxy, which had predominated these territories since the conversion of Bulgarians and Serbians, with all the forced expansion of Duklja (Middle Age Montenegro; 11th century) with a Catholic façade and such in the coast area. Klement the Third—a true antipope—put under the jurisdiction of the archdioceses of Tivar the dioceses of Kotorr, Ulcinj, Svac, Skodra, Pult, Drist, Serbia (including Kosovo), Bosnia, and Trebine, but the effective control over these territories would fade more as we left the Adriatic. Bosnia, with its special Christianity, is the most meaningful example, as Kosovo was in a still isolated position, because, differently from its “catholic” neighbors from Bosnia (Hungary, including Dalmatia), it was surrounded from an orthodox population and such countries, without forgetting that it was part of an orthodox country. It is not a surprise that in the Kosovo of the start of the 14th century were only two Catholic churches (Trepca, Gracanica), located in mine areas where many German miners were stabilized with privileges and almost guaranteed “autonomy.” In the 40s of the 14th century—the period of Dushan—the number of churches had grown: we find them in Prizren (archibishop), Janjeva, Novoberd, and Trepce. Actually these were fruits of the previous activity of Queen Elena, Catholic wife of Milutin.

As a paradox, during the Serbian rule the activity of the local church grows because all the history of the Nemanjic dynasty is permeated by the political-religious duplication, as Albanians would gradually be overshadowed. The second phase coincides with the Osman period and we can call the Albanian element in Kosovo ethnical resurrection: from being invisible, destined to assimilation, the Albanian element is ethnically persecuted exactly during the Osman rule. The Osman Empire was characterized by multiculturalism and multiethnicity, which created an ethnic balance, differently from the Serbian state where only one ethnicity dominated

and the state politics naturally aimed the strengthening of the dominating ethnicity positions, especially in those territories where it was present, even if in minority.

The Serb ruling authorities moved the social classification from ethnicity to religion. On one hand the presence of a consolidated and rooted religious core created the premises for an ethnical cohesion strengthening in Serbians, whereas on the other hand the relation with the Albanians of Kosovo—in the span of the Osman rule—changed in favor of the ethnicity that the Serbians had attempted to assimilate, as in these conditions they had no power over Albanians and in the religious relation Serbians would be in the secondary category. From now on, as we can notice in the studies of Selami Pulaha, Albanians will dominate Osman registrations in Kosovo Sandzaks (Vuciterne, Prizren, and the Kosovo parts of the sandzaks of Dukagjin and Skodra) and their population is presented in a continuous growth, whereas the opposite happens with the Serbian element. Kosovo now receives an Albanian appearance during these centuries and this is the first overturn in relation to Serbians. We can bring an example from Drenica, considered today as the “heart” of Albanian patriotism from Kosovo: Sometime in the 17th century, the contributors of the monastery of Devic were all Serbians from Drenica, as for today this region has no Serbian, writes Skender Rizaj by citing Brainslav Nusic.

The other essential overturn is the definite fracture between the Serbian ethnicity and of the Albanian one due to the welding of Serbians with their Church and the mass Islamization of Albanians of Kosovo, relieved from many premises that do not relate to “violence” and with economic profit—otherwise even Serbians would be massively Islamized. The religion of the ruler would produce the privilege of social status in many of the economical facilitation. From discrimination the

Albanians from Kosovo become privileged, of course based on religion and not ethnicity, and no other Osman passion toward them.

The chance of penetration in the confines and the collaboration was facilitated from the religious accordance between the two ethnicities—even though this is not a universal theory—as the contrary religion increased the chance of separation. For Bogdani religion was primary and not ethnicity, and even less the nation, the modern concept to which he was not known for the time. He is right, he is totally coherent to the context: As from the Osman way, also to the Serbian or Bogdanian, religion defines the hierarchy and collective social categories.

However, the movement of Bogdani is the last Albanian–Serbian alliance of such dimensions. About two centuries later, the Albanian Kosovars of the “Lidhja e Prizrenit” (Prizren’s Alliance) fight against Slavics for collective survival. So, we are before two facts: of Slavics as a personification of danger and of the national conscience, which will be vigorously crystallized in the decades to come of the Alliance. Now, ethnicities are consolidated and together with them the physical and symbolic borders too. It is the time of nationalisms. Let us not forget that on the other hand, the ethnical and national consolidation of Serbians pushed them to refuse the Albanians of Kosovo first as Turks (Muslims), then as just Albanians, and with this majority of Turks (Albanian-Muslims) was also excluded the minority non-Turkish (Albanian-Catholic), that, for the logic of the excluder, shared more values and heritage with this majority rather than with Serbians. Like it or not, if Albanians want to identify in a more specific way, Serbians (and Montenegrins) are considered by the religious façade, so as Muslims. As a result, the Catholic islands of Kosovo and partly in the border with Montenegro, in the eyes of Serbians, are brothers of the majority.

In other words, the Serbian nationalistic hatred accumulated toward the majority, mixed with the religious element, where the reminiscence of the Osman Empire—which erased the Middle Age political achievements of Serbians in the Balkans and in reality took Kosovo away from them—is more than evident. It will be necessarily led to the Albanian Christian minority.

In the imaginative hypothesis of Serbians, the Arnauts were nothing but Albanian-speaking Serbians, and of course Muslims. Later this hypothesis would be replaced by the theory of Albanian invasion during the Osman period, as a justification of their massive presence in Kosovo. But exactly the consistency and compactness of Albanians in this territory, consolidated was another (numerical) element which is decisive in differentiation and underlined the difference from the Middle Age phase of relations, when Albanians were numbers spread in assimilation, and now they are presented as petrified numbers with identity and unSerbizable. Ultimately, the historical Albanian–Serbian relations have never been normal and by being such they have produced conflicts and wars until today (Dani, 2013).

1.2.3 Opposition to the Independence

Kosovo and Serbia continue to disagree on many things. For Pristina, the negotiations aim the recognition from the Serbians of the plan of Ahtisaari—the initially designed frame from Marti Ahtisaari, ex-special delegate of the UN—who determined the inner structure and the statehood of Kosovo. For Beograd, the negotiations relate to the reexamination and improvement of the agreements that are considered as incomplete or unacceptable, as is Ahtisaari’s plan. There remains a large division between both parties, which has increased during many years of minor direct contact and incoherent inside politics, resulting in a lack of trust and a huge

gap between them. It will be hard to find safe navigation in these waters, but the recent developments are promissory as the results in earlier phases of negotiations have somehow melted the common freezing. Lately, Serbia crossed a doorstep through affirmation, at least in an unexpressed way, of the territorial integrity of Kosovo and of the jurisdiction over the northern part, even though it still denies Kosovo's independence.

Both of the capitals seem to have excluded the use of force to achieve a solution for their political agreement. Insight was the first real result of the negotiations between both Prime Ministers that was held under the care of Catherine Ashton, the head of foreign politics of the EU. Until now, these meetings have mainly been to know one another and to make appropriate decisions sooner than the experts. It has been possible to frame the results in an almost mutual, as much as to allow both parties to keep their principles around the status of Kosovo. However, this period is reaching its end. It will be harder to keep the mutuality during the cases of the upcoming agenda, which have to do with the law and institutions that will rule the north of Kosovo. In December 2012, the member states of the UN decided strong conditions, closely linked to the gradual normalization of their mutual relationships for Serbia and Kosovo, so that they can improve regarding their way toward the entrance in the UN. To start the negotiations for membership, Serbia was asked to submit in a progressive form the structures of security and justice in the North of Kosovo.

The Northern structures' transformation into self-governing troops that enter in Kosovo's jurisdiction can pave the way to offer to the North a special structure as part of the general choice. A lot can be achieved through the flexible application of the plan of Ahtisaari regarding the police, courts, and regional government. One of

the principles should be that the borders of Kosovo remain untouched; another should be for the North to govern itself as it wishes when it is about community interest cases, as long as it does not harm the territorial integrity of Kosovo. Pristina is also looking for the affirmation of its status as an independent state, which Beograd strongly opposes. However, even here there is no space for compromise, because Serbia can take of the block that has put to the affiliation of Kosovo in regional and international organization and the participation in international and cultural events.

These are complex and very sensitive cases, the details of which can be gradually elaborated, along the processes of Kosovo and Serbia entering the EU. But the dialogue is now in a decisive point. The positions of Beograd and Pristina for the Northern Kosovo have never been closer. If they can finalize their agreements for the boundaries and make stable progress in the negotiations for the governing institutions and the rule of the law in the north, before the European Council Summit in June 2013, the EU is ready to reward both. For Kosovo, the achievement and the signing for the SAA with the EU, it will strengthen its position in the entering process to the EU as strongly as of the other part of the region. For Serbia, the start of formal negotiations for affiliation would present a big push in the attempts of reformation. Together with the entrance of Croatia in the EU, these achievements would be spread along all the Western Balkans. However, if the negotiations fail during the first months, the politics of the states in the UN would dictate a long pause to which the fragile coalitions in Beograd and Pristina would not survive and violence at a citizens' level could escalate.

Five states from the EU should not fear the recognition of Kosovo. If one of the five states of the UN who have not yet recognized Kosovo really thinks that this

recognition would serve as a precedent for the independence of the regions in those states, then such a rationale goes against them. There might be similar though not identical cases with those of Kosovo in the world, but someone from these states should ask the recognition of Kosovo; this request is not enough if made only by Kosovo.

Great Britain and Belgium have not only recognized Kosovo immediately from the declaration of independence, but they have also supported very strongly that independence. They are not scared at all that if they recognize the independence of Kosovo these states will have severe consequences and will be destroyed. A Russian diplomat in Brussels had foreseen in a debate a case for Kosovo, and Belgium can be destroyed. The Belgian diplomats said that if Belgium would be disintegrated, we would do this with an agreement, not with war.

On the other hand, we have Spain, a multiethnic country which today, without any doubt, can be considered as the biggest adversary of the independence of Kosovo in the midst of 28 countries of the EU and of NATO. It seems that this positioning of Spain will not change in the near future. Spain was first to plant the seed of the separation of the EU for the status of Kosovo and since then this status quo continues. Meanwhile, the arguments of Spain or other countries that the independence of Kosovo is an international rights violation are witnessed unstable and from the highest authority in the world to interpret it right, from the International Court of Justice in Hague.

Everybody agrees in private that the fear from separatism in Spain is the only reason why with such a negative engagement, without any interest, it keeps not recognizing Kosovo and insist that the EU and NATO should not give a single indication that Kosovo is treated like an independent state (Melander & John, 2008).

The relations of Kosovo with the EU, exactly with the persistence of Spain and Cyprus, and less of Romania, Greece, and Slovakia, are like reports of the EU with entities that are not sovereign. This circumstance has put in many difficulties the reports of Kosovo with the EU together with the fact that some formulas are still being found to achieve some agreement. But in long terms, if Kosovo really needs to walk toward genuine contractual formal reports that bring it toward the full affiliation in the EU, the situation should change and Kosovo should be known by all the other countries who are members of the UN.

Even in Romania there has been reasoning because of the large minority of Hungarians in that country, Bucharest cannot recognize the independence of Kosovo. Even in Slovenia there is a considerable minority of ethnic Hungarians that it is apparent that have affected in the decision of Slovakia to not recognize the independence of Kosovo. In Slovakia it is also approved a declaration of the assembly against the recognition of Kosovo that now is used as a formal hindrance for this state to change its position. Cyprus has a problem with Northern Cyprus and this is their justification to oppose the recognition of Kosovo. Greece does not have any problem except the influence on the Orthodox Church and the politics of this state, and the case of Cyprus as well.

If one of the five countries of the UN who have not yet recognized Kosovo really think that this recognition would serve as a precedent for the independence of the regions in those states, then would such an argument go against them. Maybe there might be similar cases, even though hardly the same, with that of Kosovo in the world but never in these five states of the EU.

In none of these states has there ever been an ethnical cleansing, there have never been international interventions, there have never been an international

process, which has produced the proposition on the basis of which the state of Kosovo is also created. And, what is most important, the Federation—constituting part of which Kosovo used to be, so ex-Yugoslavia, does not exist anymore. All of the Federative units of ex-Yugoslavia that wanted to be independent are made independent, by involving Kosovo too. That is why Spain's argument that Kosovo did not have the right to be independent without the approval of Serbia has not been stable. With the same argument, also the independence of Croatia or Slovenia could be discussed or denied, because even when these two ex-republics of Yugoslavia declared independence on 1991, Beograd was against their recognition from other states and considered this as an unacceptable interference with inside matters.

Before six states, there was no reason for the recognition of Kosovo and today to be opposed, when Kosovo is recognized by most of the states in the world, and when it is also made member of some international organisms, there are less reasons for the five countries of the EU to continue opposing the recognition. But someone of these states should seek the recognition of Kosovo, and this request is not enough to be only made by Kosovo.

The high representative of the EU for Foreign and Security Policy, Mogherini, with all the limited impact she has, would do good to publicly proclaim that the recognition of Kosovo from all the states of the EU would be a step toward the strengthening of the Foreign Common Politics of the EU and would make the EU more serious in the eyes of the whole world. On the contrary, the EU, which prefers to talk with a voice for many global cases, will continue to look non-serious because there cannot be a common attitude for such an important case in its court, in Europe, as is the acknowledgement of the status of Kosovo, a status which was formulated

with the great role of the EU during the negotiations for the status led by the ex-president of Finland, Martti Ahtisaari.

The Foreign Policy of the EU has thus far refused to express regarding the recognition of Kosovo. It is hidden behind the rhetoric that we must work with what we have and that the acknowledgement is in the competence of member states. The dialogue between Kosovo and Serbia, or between Beograd and Pristina as the EU calls it, is the main reason why the Foreign Service of the EU has never said that the recognition of Kosovo from all the states would be good. So, it is thought that the EU itself is separated around the status of Kosovo. To the Albanians of Kosovo is said that the majority of EE countries have recognized Kosovo so there is no turning back from that, and to Serbians is said that five EU countries have not recognized Kosovo so the EU is neutral regarding Kosovo's status.

In such circumstances the dialogue is not helping, but it is, rather, preventing the recognition of Kosovo. By taking into consideration that it is predicted for the dialogue to last even more, and that this dialogue is considered as a big success of the EU, it is possible to have a hesitation to require recognition from five countries exactly to not irritate Beograd to the extent where it would be risky to lose Serbia from the dialogue.

Now, when Serbia is expecting the start of the affiliation negotiations, it would be the right moment to ask from the five states to recognize Kosovo. If Germany, Great Britain, France, and the United States of America would do this, and if they would do this in an honest way and in a high level, the chances would be bigger for Romania, Slovakia, and Greece to recognize Kosovo. And by doing so, there will not be a major political reaction that would be urged by this, because they would do something that most of the countries of the EU and NATO have done.

Even so, with all of the self-worth that many Kosovo politicians have, most of the recognitions of Kosovo have come as a result of the United States, Great Britain, France, and somewhat Germany engagement. Let us only number the pro-American countries in the Middle East, then the ex-British colonies in France, and the states in their sphere of interests, and the majority of the countries that have recognized Kosovo is won.

The recognition of the independence of Kosovo from all of the countries in the EU and NATO would help Serbia too, because it would set it free from a burden and would enable them to accept reality easier. Until a message will be sent from Brussels that “the EU is neutral to the status,” Beograd will think that it can still have territorial claims to Kosovo. Being “neutral” to the status in fact means being against freedom, because Kosovo has a status, and when decisions are made in the United States, it is always they who are against who win.

As the youngest state inside Europe, whose statehood is recognized from 23 of 28 member countries of the UN, Kosovo has clear purposes for its integration to the EU. By taking into consideration the aspirations of Kosovo for the EU, the derecognitions that are most important are those of the five countries of this organism: Cyprus, Greece, Romania, Slovakia, and France. Despite the fact that the EU wants to have functional foreign and security policies, Kosovo is going through great difficulties in the process of integration. Five member countries of the EU, which have not recognized Kosovo, have made it possible for Kosovo to be stuck in the process of the integration in the EU.

The experiences of Kosovo with the EU make us realize that in fact the process toward the integration has political components much more powerful than those technical, which result in the non-recognition by five of its members. For this

reason, it is necessarily emphasized the need to come closer to these five countries that have not recognized the statehood of Kosovo so that the traditional walk can be possible for us, instead of *sui generis*, a right of membership in the EU.

In its walk toward the EU, Kosovo has now signed the SAA. The EU should send clear orders for the entire region, and especially for Kosovo, for the integrating processes. Cyprus does not have official or unofficial relations to the Republic of Kosovo. It is one of the five states, members of the EU that does not recognize Kosovo, but it is the only state member of the Union which does not contribute in the force of EULEX in Kosovo, in the mission of the EU for the rule of the law in Kosovo. The attitude of Cyprus toward Kosovo is so outright that it does not even know the documents of Kosovo. There are fewer chances in the near future for a difference in attitude to happen in the relations between Cyprus and Kosovo. The change of politics will be based on the result of the dialogue between Pristina and Beograd. The previous evaluations for the capacity of the EU for the transformation of the stimulatory structure of the parties have shown that it is very optimistic, but unreal. There are a number of political, institutional, and cultural obstacles that give a little hope for a change in relations between Cyprus and Kosovo in the near future. We believe that such cases should be solved through diplomacy and consensus.

Romania has not recognized the independence of Kosovo, and it has introduced an all-inclusive argument against it in the International Court of Justice (ICJ). With Pristina there have never been diplomatic relations and there has never been an official institutional communication, except a liaison office under the mandate of the UN. Even before the independence, when Kosovo was a region under UNMIK, there was no official or unofficial relation between Romania and the autonomous subject. The two main reasons for this are the foreign policy of Romania

and the way it adapts to the case of Kosovo (in the historical prospective and in the actual context), the inside political situation, as the case is very close to the inner and foreign interest of the actual administration.

As one of the states that has never accepted the independence of Kosovo until now, Slovakia shows no indication that suggests a change of decision in this direction. Slovakia has been moderate according the liberal contacts. It has its liaison office in Pristina. Slovakia has not been part of the preparation for the Mission of the EU in Kosovo for Common Policies for Security and Protection, although, as EULEX declared that it has reached its “full operational capacity” at the end of 2008, Slovakia started to contribute with a limited number of police officers, varying from six to eight. Slovakia has never been part of the components of the judiciary and customs. Immediately after the declaration of independence on February 2008, and just before issuing travel documents and ID cards for the last time, Slovakia accepted the documents of UNMIK but did not accept the documents issued by the authorities of the Republic of Kosovo (“Consensus in Slovakia not to recognize Kosovo,” 2013).

Spain has not recognized Kosovo, for reasons that are generally cited from those who objected: the mention of sovereignty and territorial integration of the Federal Yugoslav Republic in the Resolution 1244, the status of Kosovo as a region of Serbia (and not as a federated republic) in Yugoslavia, the lack of agreement between both parties or a resolution of the UN, and the creation of a state for “entirely ethnical reasons.” Spain terminated every possible connection with the authorities of the independent Kosovo and quit from every kind of representation in Pristina, even in the form of a permanent office. Spain has not changed its fundamental attitude since the recognition from February 2008, but this does not

mean that it has remained a passive observer of the situation. In fact, Spain has originated some initiatives and has blocked them and has remained active and reactive during this period of time.

It is in the interest of Kosovo to develop new ways of communication with these states, new ways in which we would anticipate relations like these. The best relations of Kosovo with these states would strengthen its prospective for the EU and would raise its voice in the international arena. The ways through which Kosovo can create a relation to the states that have not yet recognized it are different, starting from the improvement of its image in the eyes of the public of these countries, by taking into consideration the wrong perceptions that they might have for Kosovo in general. This can be done by utilizing the famous personalities of different fields. There is also a need to develop communication through the representatives of the society in common regional groups. There is a need to develop programs for the promotion of culture and sport exchange. By seeing that for these states the report between Kosovo and Serbia matters, the need is great to be worked in this direction, by showing a new spirit of collaboration with the citizens there. The thought of the NCJ for the legitimacy of the statehood of Kosovo should be used as a supportive argument for recognition by these states. What these states should be clear about is that recognizing the statehood of Kosovo would not bring any harm to either side, but in fact would contribute to the creation of a better collaboration between the European countries.

CHAPTER 2

2.1 The Beginning of Negotiations

Kosovo, as the youngest state in Europe and as a result of an international negotiated plan also known as Ahtisaari's plan, has brought a great interest in the academic world and in different and multiple policymaking circles. Even 8 years after the Declaration of Independence and 5 years from the beginning of negotiations, Kosovo is a country that still has a lot of work to do and has not yet resolved its inside and outside issues. These issues include derecognition from some countries of the world and Kosovo not being a member of different international organizations. From this point of view, unfortunately Kosovo as a state is still continuing to be a kind of *sui generis* regarding the international right. The unresolved and very complex case of North Kosovo remains a serious issue in the ethnical and political sphere. That part of the territory is not yet wholly controlled by the Republic of Kosovo; as such, it represents a very serious problem in the political developments and in the security plan.

In these cases, and many unresolved others, the stubborn and not at all constructive attitude of Serbia against Kosovo plays a primary role. Looking at this condition that is damaging Kosovo and putting a strain in the general relations in the region, by still pledging the European integrating processes too, now there is also a need for an urgent initiative from the international community, especially from the EU, to start negotiations between these two states to find a permanent and acceptable solution from both parties.

By considering the historical rapport of both countries and the very tense developments to conflicts, the mediation of the international community was

inevitable, by becoming a bridge with an important mission such as the facilitation and mediation of the negotiations and also guaranteeing of the agreements that were expected to be achieved. When we speak of agreements, it was known since the beginning that these negotiations and this process would also be associated with many harsh oppositions by both parties and it will not be easy to achieve success in the process. By previously acknowledging these challenges, mediating negotiations have now started with mild soft diplomatic terms and by being such they start to be led from structures and officially less important levels, by taking into consideration less sensitive cases. But we need to mention that for a not very long period of time, these negotiations began to have a political character, not as they were proclaimed technical, by later being passed by meetings by prime ministers and presidents.

2.1.1 Background

After the failure of negotiations between both delegations, the Kosovar and Serbian negotiations held in Rambouillet (Bislimi, 2014), the developments in the country received a totally different momentum and side. As a consequence, the aerial strike of NATO occurred, lasting about 78 days, resulting in the ultimate retrieval of the Serbian troops from Kosovo and the end of the war in this country.

So based in the 1244 resolution of the UN's Security Council, Kosovo is put under the temporary administration of the UN's mission named UNMIK. This mission established later the self-governing institutions (Weller, 2008), without prejudice of Kosovo's status. With the passing of time what was noticed was that this mission was not only inefficient but also non-productive, and it was also causing delays in the democratic and governmental processes. Of course, by seeing this condition, which was degrading day by day, the ultimate solution of the status

became imperative and was required not only from local factors but also from international ones (Baliqi, 2013).

So in 2006 the Vienna negotiations began between both Kosovar and Serbian parties. These negotiations were mediated by the UN office of the special envoy for Kosovo UNOSEK, and were led by the special emissary of UN for Kosovo, the Finnish ex-president Marti Ahtisaari, together with his diplomatic vice Albert Rohan and in close cooperation with states from the Contact Group and international actors such as the Security Council, the European Commission, NATO, and many others (“The statute of Kosovo: Delay brings risks,” 2005).

The foundational principles and attitudes from the mediators were that there is no turning back in the 1999 situation and that every one-sided solution based in the use of force is intolerable and unacceptable.

The Kosovar delegation was made of the highest political level and was led by the president Dr. Ibrahim Rugova. It had the symbolic name “The Unity Team,” as it was made up of representative delegates from the majority and the opposition. After the death of Rugova, the president Fatmir Sejdiu continued to lead the Kosovar delegation, whereas the Serbian delegation was mainly represented by low class executives, experts, and officials of the Foreign Ministry (Allin et al., 2001). We need to mention that this delegation was supported also by a created mechanism which was called The Strategic Political Group, in which the highest representatives of Kosovo in that time were part.

As we mentioned in the beginning, the negotiations between both parties, considering the historical past and the actual rapports between each other, would not be easy at all and during the time they would be continually associated with contradictions by both parties. This also happened in the 15 rounds held afterwards,

where the topics for discussion were decentralization, rights of communities, and local self-government.

The proposal of President Ahtisaari was continually opposed by the Serbian party and after 14 months of negotiations, the latter came with an all-inclusive proposal that demanded a supervised privacy for Kosovo (Goodwin, 2007). As it was previously with the case of Rambouille, the Serbian party turned back to the tactic of requests for re-negotiations and new propositions, but the Serbian party was in total opposition of the achieved agreements and the reality that was now created in this territory. After a period of 120 days went by from the processing of the Security Council of UN, of the all-inclusive proposition for the ultimate solution of Kosovo's status, on February 17, 2008 Kosovo was declared an independent, democratic, and sovereign state (Kosova e Lire, 2016; NATO's Role in Kosovo, 2016).

As it was known and expected too, after the declaration of Kosovo's independence, the interrelation between both states was even more aggravated and they kept being tense and not at all tolerating. As a consequence, from this situation, unfortunately, many important and maybe vital cases remained open and suspended for the citizens of both countries. Serbia not only was definitely opposing Kosovo's independence (something expected), but to show its disapproval it retrieved its ambassadors from those countries that recognized the state of Kosovo. The Statehood of Kosovo also caused irritations inside the governing coalition in Serbia, partner of which were the president Vojislav Kostunica and the prime minister Boris Tadic (Republic of Kosovo Assembly, 2007). Serbia as well submitted a request to the International Court for Justice (ICJ) on the legitimacy of the declaration of independence of Kosovo.

In the same year, with the coming of the new government in Serbia, we can say that the approach to the youngest state somehow started to change, but in no way the acknowledgment of the statehood of Kosovo. Against this, the Serbians seemed to start being more open to collaborate not only with UNMIK but also with the EU and EULEX in Kosovo. The positive declaration of the opinion from the ICJ on the legitimacy for the independence of Kosovo was a serious blow to Serbian politics. The rapports became more and more aggravated after this and the success that was achieved until now risked to overturn. After a while, with the rising pressure of the highest representative of the EU, Baroness Catherina Ashton, Serbia, and the EU designed a resolute for the UN, when there was persistently requested the transversal of unresolved cases between both countries by the UN to the institutions of EU (Weller, 2008). This is how the approval of the common resolute Serbia–EU by the UN passed, and for the first time were presented the so-called technical negotiations between Kosovo and Serbia.

In 2010 the collisions inside the governing coalition grew and they brought the government's dispersion by bringing the country in an institutional crisis for some months (Office of the President of Kosovo, 2016). This crisis came in the time when the competences were transferred to the country from the internationals to the locals and the implementation of Ahtisaari's package started and the approval of the constitution and other state mechanisms. It was the exact moment when the country was before making some important and crucial decisions for the citizens (United Nations Press Office, 2010). Except from the preparations for the next dialogue with the Serbian party, some processes like the most profitable public enterprise privatization—the Post Office and Telecom Kosovo, the strengthening of the elections reform, the approval of the law for the census and Kosovo's budget for the

year 2011—were some of the processes that unfortunately were suspended and held back.

The early elections were planned to be held on February 13, 2011, but the situation that was created inside the political scene brought the country in extraordinary elections, which were held on December 12, 2010 (Office of the President of Kosovo, 2010). Immediately after the Parliament Elections the new governing coalition was created and this opened a way to start negotiations with Serbia, by also creating the Kosovar delegation for negotiations led by the then vice prime minister Mrs. Edita Tahiri, and head of the delegation from the Serbian party was put Borislav Stefanovic, political director in the Ministry of Foreign Affairs of Serbia. As the EU considered him facilitating, the high diplomate Robert Cooper was a special High representative of the EU for Foreign Politics and Security, Mrs. Catherina Ashton. Both parties did not really have a great willingness to sit at one table together again, but they were prodded by the EU, and at the same time they were also conditioned by the process of both integrating in the EU. This caused both parties to sit again with each other and start the negotiations, which had now received an entirely political character.

Since the approval of the resolution was expected from the Parliament of Kosovo for the dialogue between the republic of Kosovo and the Republic of Serbia where stating: “Technical cases for the interest of both countries, without ever affecting the sovereignty of Kosovo!” The EU insists for both parties to meet on March 8, 2011 by keeping to the previous agreement, even though in Kosovo the resolution was expected to be approved in the parliament. This was not achieved because the opposition presented its document and the harmonization of the documents was pending (Republic of Kosovo Assembly, 2011).

Whereas, Catherine Ashton, committed by the EU for the Foreign Policy, evaluated that it was the optimal timing for the beginning of the dialogue, with the purpose to improve the rapports between Belgrade and Pristina, and the solution of the citizens' problems. The spokeswoman, Maja Kocijanic, had declared:

We believe that it is very important for the dialogue to begin and for Pristina and Belgrade to discuss for practical issues. The purpose of the dialogue is the improvement of conditions for the citizens, the Balkans approach with the EU and the harmonization with European standards. For both parties is very important for the living conditions of the citizens to improve. (Martinovic & Cani, 2011, para.1)

2.2 Accomplished Agreements

In the first meeting between both parties that began on March 8, 2011, there were discussions for three fields: regional cooperation, freedom of movement, and the rule of the law. The second round of negotiations began in the same month and it contained issues including Custom seals, vehicle plates, civil registers, and energetics issues.

The next meeting's discussion topics were issues including birth/death certificates, license plates, and the approval of university diplomas. It was held in April, with issues that resulted in agreements in the next meeting (Baliqi, 2013). The new round started again in September, when agreements were achieved on Custom seals and the issue of cadastres. Meanwhile, as a consequence of some incidents and reactions from Serbians in Kosovo, the dialogue was blocked, to be resolved later after some visits in Pristina and Belgrade from the mediator Cooper, through a flying diplomacy.

The next round is considered as an important step which was finalized with the agreement for the Integration Border Management (IBM). The next round in February was also concluded with a very important agreement, where it was foreseen that Kosovo would be represented in the international plane with the footnote that marked: “Without prejudice for both parties’ position on the status, in accordance to the 1244 resolution of KS and the opinion of the International Court for Justice on Kosovo’s Declaration of Independence”(Malazogu & Bieber, 2012, p. 22).

After the beginning of the so-called “technical” dialogue, there were different allusions even in the local political scene, where some of the political subjects in the country were against the dialogue with Belgrade. It should be said that the citizens themselves are not welcome in this dialogue. For the citizens it was unacceptable to have a dialogue before an apology for the Serbian genocide in Kosovo and before the recognition of Kosovo as an independent state from Serbia. No one believed that these dialogues would bring any result and there was the conviction that Serbia had entered these dialogues just because of the profit it gained from the EU, toward the European integration, whereas Kosovo would not have any profit, contrariwise. Unfortunately, even today this opinion has not changed much, because Serbia is not engaging and it is dragging out all the “now-achieved” agreements. During the meetings that were held, the head of the delegation, Mrs. Edita Tahiri, was asked if any special request from the Serbian party for the Serbian population living in the north of Kosovo was introduced and how this dialogue and the new recognitions for Kosovo are affecting this. As reported by Konushevci (2011):

Ms. Edita Tahiri emphasized, “This is a dialogue of technical character and in it won’t be political topics.” She said that this is a question that has to do with political topics and this won’t be object of the dialogue. On the contrary, I

think that Kosovo's participation in this technical dialogue, firstly gives a clear indication to the international community that we are a young country, but we are a serious one in the sense of accepting the international responsibilities.

“The technical dialogue is an international obligation from the Resolution of General Assembly of the UN of September 2010, and it's supported by the European Union, from the United States of America and we have accepted this international obligation,” said Tahiri. (Konushevci, 2011, para. 1)

From March 2011 to February 2012, in total there were nine rounds that were held for the meetings of both governments, of Kosovo and of Serbia led by Mrs. Edita Tahiri, leader of the delegation of Kosovo and Borislav Stefanovic from the Serbian party. As we mentioned above from this so-called technical dialogue, some agreements were achieved which opened way to future negotiations for important issues (Republic of Kosovo, Government, Office of the Prime Minister, 2014b). From seven achieved agreements from this dialogue we are mentioning again that they are: Customs seals (September 2, 2011), university diplomas (November 21, 2011), registers books (July 2, 2011), freedom of movement (July 2, 2011), regional representation of Kosovo (February 24, 2012), cadastre notes (September 2, 2011), and the Integrated Borders Management and that of administration borders (IBM; December 2011) (Ejdus et al., 2014).

The achieved agreements from the technical dialogue were considered from the government as an agreement of special importance and the first achieved between both countries and as a very important step toward the normalization of the rapports. Earlier than this there were two attempts for the establishment of peace between both

countries, one in the conference of Rambouillet in 1999, which was held immediately after the “Reqak’s Massacre” of a village in the municipality of Shtime, where many innocent villagers were mutilated and massacred. The leader of the delegation of OSCE in Kosovo, appointed from the United Nations Organization in Kosovo, Mr. William Woker, as he had visited this village to watch the situation closer and the genocide inflicted on Albanians there, terrified of what he saw there, from the massacre where in total 45 Albanian civilians were killed, he named it a massacre against humanity and he had immediately requested a meeting in the Security Council (Hoti, 2016). Topic and purpose of this conference was the prevention of the genocide against humanity which was caused from the political regime of Slobodan Milosevic. The Serbians accepted this. This dialogue lasted for about 18 days but resulted with no agreement and a lost negotiation (Hoti, 2016). And the second was the negotiations for the status of Kosovo’s Independence in Vienna (2006–2007), a dialogue which failed too.

2.2.1 The Dialogue Continues, and Serbia’s 2012 Parliamentary

Elections

The parliamentary elections held on May 6, 2012 in Serbia brought forth a lot of controversies in relation to the dialogue with both countries. A battle for power was going on in Serbia between three of the strongest parties in the country, that of Aleksandar Vucic, the socialist party of Ivica Dacic, and the radical party on top with Vojislav Seselj. Of course that the coming into power of the radical party would change the direction of the Kosovo-Serbia dialogue, it would have an undisputed influence as a consequence of the political ideologies of the leader of this party (Delauney, 2016). Luckily, this did not happen and the power remained with the

socialist party led by Ivica Dacic. It is clear that the electorate condemned the leader of the radical Serbian party Vojislav Seselj for his past relating to the responsibility he holds for war crimes in the Balkans during the 1990s (Barlovac, Ristic, & Andric, 2012).

The dialogue between both countries entered a new phase. The chief negotiators and the mediator changed. This was a sign of change of the dialogue's nature from the so-called technical to a more political nature. With this change, with the dialogue receiving a more political character, it was expedient for the negotiations level to be raised in the range of prime ministers, because the degree of responsibilities between the negotiation parties was also rising.

The first meeting between prime ministers Thaci and Dacic happened on October 19, 2012, with the high representative of the EU, Mrs. Catherine Ashton, as negotiator, and the president of the country Jahjaga appointed Mr. Blerim Shala as a coordinator for the negotiations between Kosovo and Serbia (Baliqi, 2013).

The main topic that was discussed in the next meetings between the duo of Thaci–Dacic was that of the dispersion of parallel structures in north Kosovo and the creation of the community of municipalities with Serbian majority in Kosovo. The next meetings did not produce any actual agreement between both parties; there was an attitudinal approximation in some issues but no agreement. In a prime ministerial level, 10 rounds in total were held between the prime minister Thaci and the Serbian prime minister Dacic.

To distinguish between the achieved agreements from the technical dialogue where they were also made known to the public, and were published, the same thing did not happen with the political dialogue that was held between both prime ministers, where almost everything was not clear and transparent. In this phase of

negotiations there remain controversies and conflicting statements around what developed during the negotiations. The historical agreement between both countries was that of April 13, 2013, entitled the Agreement for the Relations Normalization. This agreement coordinated a mechanism of the separation of power in north Kosovo that would be acceptable for the authorities of Pristina as well as those of Belgrade. It stated that both countries would not obstruct each other in the process of European integrations. This agreement was signed on April 19, 2013 (Republic of Kosovo, Government, Office of the Prime Minister, 2014).

After this achievement, both prime ministers made their statements, each in his own way. The prime minister of Kosovo, Mr. Thaci, described the agreement as historical in a declaration for the media.

We have just signed the first historical agreement between the state of Kosovo and Serbia, with the warranty of baroness Ashton. This agreement is signed by the prime ministers of both countries, with the warranty of baroness Ashton. The achievement of this agreement is a recognition of Kosovo, of the international subjectivity, of the sovereignty and territorial integrity. The agreement is a basis for the normalization of the relation between our countries and our peoples, so I'm happy to be here today in Brussels with baroness Ashton and the prime minister Dacic, that we have achieved this agreement for the future of our countries, for the European future. (Sh & Zh, 2013, para. 3)

Whereas the Serbian prime minister Mr. Dacic made a different declaration, with provocative language, thereby stirring up debate: "Belgrade will give a conclusive answer on accepting or no the agreement with Pristina, signed today in Brussels, that will be directly addressed to the baroness Catherine Ashton" (Sh & Zh,

2013, para. 3). The baroness Ashton also applauded both parties for their work and the achievement of the agreement for the normalization of relations by stating: “I want to congratulate them for their determination during these months and for the courage they displayed. What’s happening now is very important. It’s a step far from the past for both parties, and a step closer to Europe” (Sh & Zh, 2013, para. 16). The world’s media also considered this as a historical achievement, by circulating it as the news for the day (Smolar, 2013).

These are the 15 points of the agreements that Baroness Ashton presented in the ninth round of negotiations between both parties:

1. The “Community/Association” of the Municipalities with a majority of Serbians in Kosovo, also open to other municipalities, if the members agree.
2. The “Community/Association” will be formed with a special statute.
3. The structures will be formed according to the same basis as the existing regions in Kosovo.
4. The competencies will be according to the European Charter of local self-government and according to the laws of Kosovo.
5. The “Community/Association” will exercise additional competencies as the central authority gives to it.
6. The “Community/Association” will have a representative role in the central authority and will have a post in the Consultative Council of Communities.
7. In Kosovo there will be only a police force that will be named “The Police of Kosovo.”
8. The eighth point clarifies that “all the police in north Kosovo will be integrated in the framework of the Police of Kosovo” and that the policemen’s salaries would be only from the Police of Kosovo. To the

members of other Serbian structures of security will be offered respective positions in the structures of Kosovo.

9. For the ninth point there were mostly differences until now. According the proposal on table in this point is clarified that there will be a post of the regional commander for the municipalities with a majority of Serbians in north Kosovo and he will be a Serbian of Kosovo chosen by the Ministry of Internal Affairs of Kosovo, from a list that the four mayors will introduce in the name of the “Community/Association,” the composition of the Police of Kosovo in the north will reflect the ethnical structure.
10. According the proposed agreement “the judicial authorities will be integrated and will work within the legal system of Kosovo. The Court of Appeals from Pristina will found a panel made of Serbian judges of Kosovo, who will deal with all the municipalities with a majority of Serbians. A unit of this Court of Appeals will have its headquarter in the northern part of Mitrovica.
11. The local elections of 2013 will be developed with the facilitation of OSCE and in line with the laws of Kosovo.
12. This point talks about the compilation of an implementation plan, which would hold exact deadlines, and that would be compiled until April 26. In the implementation of this agreement attention should be paid to the transparency of funds.
13. According the 13th point, the parties would achieve an agreement for energy and telecom before mid-June of this same year.
14. According the formulation, this point says that both parties accord that neither of them will hinder the other party, or encourage others to hinder the requests for membership in international organizations and forums.

15. The last point of the proposed agreement says that an implementing commission would be founded from both parties with a facilitation from the European Union. (Barlovac, 2013)

Both parties have been aware since the beginning of the importance of the achievement of agreements and this dialogue as it concerns the European integration process of each, a way which should not be easy for Kosovo and Serbia. The achievement of the negotiation of Brussels has opened a way to the European integration of Serbia. The European Council approved the beginning of negotiations for the membership of Serbia during the summit of June that was held in the first intergovernmental conference on January 21, 2014. Kosovo also profited from the achievement of this negotiation even if not as much as Serbia. After the achievement of the historical agreement, the European Commission (2014) proposed in that time the opening of negotiations for the Agreement of Stabilization and Association (ASA) with Kosovo. The negotiations started in October and the conclusions were expected to come out in the Summer of 2014 (Ejdus, Minic, & Musliu, 2014).

The year 2013 was a historical year concerning the relations between Kosovo and Serbia, as it was for the process of European Integration for the Western Balkans. But there was no expectation to have progress in the normalization of rapports between both countries even in the European Integrations during 2014, as Kosovo and Serbia and the EU would be entering the elections process: Serbia in March, the EU in May, and Kosovo in June.

2.2.2 Elections in Kosovo, Serbia, and the European Union: Impacting Negotiations

Kosovo and Serbia, like the EU which in 2014 entered the process of the leadership change, were entering parliamentary elections (Deloy, 2014). As a consequence of the load in the elections agenda, usually what happens with a country before the elections, different processes are suspended for a specific period of time. This is not to say that there are no improvements in different aspects. This also happened with the dialogue between Kosovo and Serbia, which in this period of time had slow improvements mainly in the implementation of the achieved negotiations. On the other hand, Kosovo was going through an important moment and a reliability test regarding the elections process. The early elections of 2014 for the Parliament of Kosovo were the second since the declaration of independence of Kosovo in 2008, and the first elections that were held in all Kosovo according the laws of Kosovo after the Brussels agreement for the normalization of relations (Election Observation and Democratic Support, 2014). After the announcement of the elections' results, because of the political crisis, Kosovo could not manage to create its government immediately and this caused the country to be in an institutional blockage for a considerable amount of time, which also affected the integration processes and other processes (Abazi, 2014).

With the formation of new governing structures, six months after the elections (Economides, 2014), Kosovo was led by the coalition DPK-DLK with Mr. Isa Mustafa as prime minister, Serbia by the progressive party with Aleksandar Vucic as prime minister, and the head of the Foreign Policy of the European Union, Mrs. Federica Mogherini (European Union External Action, 2014). After almost 10 months of negotiations suspension, the date for the next meeting was appointed in

Brussels on May 9, 2015, a meeting which was the first for the prime minister of Kosovo, Mr. Isa Mustafa, for the Serbian prime minister, Aleksandar Vucic, and the high representative of the EU, Mrs. Federika Mogherini. The first signed agreement between both parties after the restart of negotiations was the agreement for justice (Top-Channel Television, 2015).

The next meeting of prime ministerial level was held on June 23, 2015, where only one agreement was achieved, the agreement for free movement between Kosovo and Serbia (Top-Channel Television, 2011). The discussion was still focused on the implementation of issues like energetics, telecom, the establishment of the Serbian municipalities association in Kosovo, and for freedom of movement on the bridge of Iber River that separates the city of Mitrovica. From this meeting the European party had evaluated that it had totally different and contrary attitudes, and they called this a regress concerning the association of Serbian municipalities.

But the Serbian prime minister, in a declaration for the media made immediately after the meeting, expressed optimism concerning the negotiations by emphasizing that “We have achieved progress for the Association” since the prime minister of Kosovo, Mr. Isa Mustafa, had not made any statement. Multiple meetings lasted for months until the next meeting on August 25, 2015, where Kosovo and Serbia could agree on four crucial points. The agreements dealt with the Association of the Serbian municipalities, telecom, energetics, and the “Peace Park” in Mitrovica (“What does Kosovo gain from the Brussels agreement package, according the government?”, 2015). The German Chancellor Merkel visited Belgrade in July of that year, where her intention was to ensure a collaboration for the independence of Kosovo. Before the German Chancellor’s visit to Belgrade, the head of the Center for Strategic Alternatives, Aleksandar Mitic, said that “Pristina and Berlin have an

excellent collaboration and they coordinate their actions. The pressure on Belgrade will continue to push down its red line for the issue of the Serbian Municipalities Association” (“Merkel in Belgrade on Wednesday,” 2015, para. 1). The meeting of August 25, 2015 resulted in an agreement on four important points, but was Kosovo or Serbia the one who profited from these agreements?

However, the agreement of August 25, 2015 for the association of Serbian Municipalities in Kosovo and the issue of the demarcation line of the border with Montenegro brought Kosovo to a severe political crisis. This was followed by a blocking of the parliament’s work. The opposition, through protests and its reaction in the parliament, has opposed this decision which according to them gives autonomy to the Serbians of northern Kosovo (Voice of America, 2016).

The first meeting after more than 5 months since the last agreement of August 2015 happened on January 27, 2016, with a mediation of the head of the Foreign Policy of the European Union, Mrs. Federica Mogherini. Both parties sat down to discuss the implementation of the agreements and the way of the negotiations. Because of the early elections that were held in April of this year in Serbia, the dialogue ceased for a very long time and this has produced not very good effects.

2.2.3 Implementing the Technical and Political Dialogue Agreements

Now, if one considers all that has been achieved in the negotiating process, one cannot say that all the achieved agreements are applied, and this is because of the discrepancies between both parties. Based on the report of 2015 over the condition of the implementation of the agreements of Brussels published from the government of Kosovo, there was progress in the achievement and implementation of many agreements.

In general, the government of the Republic of Kosovo considers the Brussels dialogue to have brought very good progress during this period of time because there have been a series of achieved agreements around important topics and there has been progress in the implementation of some of them. Of course, the conclusion of election periods for both countries, Kosovo and Serbia, has created a new momentum for a more energetic and fresh continuation of the dialogue. Many intensive meetings have been held in a political level between both prime ministers of both countries and in a technical level too.

Achieved agreements include topics of justice, cessation of civil defense, the association, the removal of the barricade from the bridge of Mitrovica, and the insurance of vehicles. Also achieved are two very important agreements for energy and telecommunication, with which the process is unblocked so that the progress in the direction of the respective agreements of 2013 might continue. The sole most important topic that remains to be approved in this second phase of dialogue is the removal of parallel structure of Serbia in Kosovo. The findings of this report show a good progress in different fields including justice, cessation of the civil protection, and the insurance of vehicles, whereas in other fields the progress seems limited. The package agreement achieved in August 25, 2015 for energy, telecommunication/Kosovo's phone code, the association, and the removal of the barricade are in the initial phase of their implementation. The implementation process has continually faced challenges and paradoxes which hinder the efficient and real implementation of the agreement. The main paradox comes from the suspicious approach to the dialogue. This is because Serbia on one hand works for the implementation of Brussels agreements and on the other hand continues to support its parallel illegal structures in Kosovo. This harmful approach of Serbia has

brought a paradoxical situation where legal and illegal structures operate in the northern part of Kosovo and beyond. That is why, while Serbia presents itself in the EU as a party which respects the Brussels agreements, still it continues to interfere in Kosovo.

2.2.4 No Double Standards

The EU is informed of the upper paradoxes, and it has clearly stated that the foundation of the association can happen only when all of the parallel structures of Serbia in Kosovo will totally cease. The EU has positively responded to this request, so a Three-Party Working Group will gather in Brussels to solve this case. The work in the designation of the association's status and the work in the cessation of parallel structures will be simultaneous. The Government of Kosovo wants to emphasize that the implementation of the agreements is a key to a total success of this dialogue and it creates an argument for its continuation. The full and real implementation of the Brussels agreement, without double standards, could bring true progress to this dialogue.

Kosovo expects from the EU to eventually make a decision to sign the Association Stabilization Agreement (ASA) with Kosovo and for the liberalization of visas for the citizens of Kosovo, as soon as possible. The evaluation of the progress is grouped in three levels: the good progress refers to achieved agreements and implemented ones or those that are on a good implementation track, less progress refers to the achieved agreements that expect the implementation, and without progress refers to situations without agreements over topics which are now in the dialogue's agenda.

By taking a look at the factors that most probably have affected the results, three factors are considered as most relevant: (a) the growth of the dialogue's dynamics since the time when the High Representative of the EU, Federica Mogherini, took the office; (b) a clear and active commitment of Kosovo to make progress in this dialogue; and (c) the suspicious approach of Serbia in the dialogue by engaging in the agreement but with lack of willingness to stop the interventions in Kosovo, demonstrated through the enforcement of its parallel structures in Kosovo.

2.2.5 Serbia Hinders the Normal Functioning of Northern Municipalities

The legal functioning fragility of the four northern municipalities in Kosovo has been continuous. Almost two years after the local elections, in the northern municipalities, north Mitrovica, Leposavic, Zubin Potok, and Zvecan, there are still difficulties in the implementation of the laws and standards of the Republic of Kosovo.

Since the collaboration in political level between the heads of those municipalities and the Government of Kosovo has improved, this does not coincide with the condition in the terrain in terms of the full implementation of the legislation of Kosovo. As it is reported by respective institutions, the difficulties include (a) the lack of progress in the functioning and work of the communal legal authorities because of the obstacles from parallel structures; (b) problems with the processing of the salaries for the communal staff; (c) failure of the communal authorities to offer services to the citizens, as it is appointed in the legislation of Kosovo; (d) the submission of problems in the budget planning; (e) the issue of official legal symbols; and (f) a census for those municipalities after they refused the census in 2011.

The main reason of the missing progress in the functionality and work of legal municipal authorities is the continuous obstacles in their work from parallel Serbian interferences. This paradoxical situation where legal and illegal communal structures operate simultaneously has not normally been able to create progress for the legal functioning of the municipalities. Serbia continues to largely support parallel illegal structures politically and financially, and that is why the non-formal power of illegal mayors largely hinders the work of legal communal structures. The phenomena of parallel Serbian structures are actually spread throughout Kosovo. Even though Serbia claims to respect the Brussels agreement on this issue, immediately after legal communal structures were elected in the elections of Kosovo in 2013, Serbia renewed the appointments of parallel structures and appointed the heads and officials of the so-called “temporary communal troops.” Because of the interventions and parallelism that comes from Serbia, the four northern municipalities have failed to offer services to the citizens as stipulated in the laws of Kosovo (Republic of Kosovo, Government, Office of the Prime Minister, 2014a).

2.2.6 Lack of Respect for Official State Symbols

The budget planning will be a problem for the coming year too and also the approval of the legal communal budgets for 2016. The problem is of a political nature and has to do with the intervention of Serbia in these four municipalities by hindering them to accept the budgeting of Kosovo in the education and health sections (as the other six municipalities with a Serbian majority have accepted the budget). Concerning the unresolved issue of official legal symbols, the four northern municipalities still operate without official legal symbols and sometimes they even use illegal symbols. The legal official symbols of the municipalities—namely the

logos, stamps, and flags—are still unsolved. The mayors still refuse to use the emblem of Kosovo in their official documents and instead of this they use empty papers to communicate with central institutions.

The census that will happen in all four northern municipalities is another important step in the improvement of the local democratic government, unless an obstacle appears. In the start of 2014, during the negotiations that were held then between the vice prime minister Edita Tahiri and the chosen mayors of these municipalities, in the presence of the office of the EU and the American Embassy in Kosovo, a compliance was achieved for the census to happen by taking into consideration the fact that those municipalities had refused to be part of the census of 2011. From that time, the respective institutions of Kosovo in cooperation with international partners have worked to prepare the legal and technical process for registration. The registration will help the municipalities and the government of Kosovo in advanced planning. The reliable, exact, and detailed information on the population in the northern municipalities of Kosovo will enable the appropriate allocation of funds.

2.2.7 Parallel Structures Hinder the Implementation of the Agreements

These structures operate illegally in all Kosovo, even though in a more aggressive way in the northern part of Kosovo. Their disintegration is crucial for an efficient implementation of the agreements and for the normalization of the situation in Northern Kosovo. According to our testimonies, the illegal heads are those who receive political support and payments from Serbia, and with their informal and immense power they hinder the work of mayors/communal authorities chosen democratically and their work in accordance with the laws of Kosovo. Some of them

have left or are leaving after the implementation of the Brussels agreements, even though most of them still operate, regardless of the agreements.

The implementation of the agreement for the so-called civil protection (CP) has marked an important progress and as of this writing, it has reached the final phase. All the integrated personnel have introduced before the panel the applications for employment according the competition proclaimed by the institutions of the government of Kosovo, except this they have also presented valid personal documents to the Republic of Kosovo. The Police of Kosovo, together with the EULEX, have made the security verification for everyone. Since this happened, 50 people in the list were found to have criminal files and the same people should offer clearness evidences from the justice institutions of Kosovo and to present them before the panel.

According to the agreement, the 105 first contracts were signed. Now 80 people are employed in the Agency for the Management of Emergencies and have signed their contracts, while 25 others are integrated in the Correcting Service of Kosovo.

On the other hand, the implementation of the Justice Agreement, achieved on February 9, 2015, has noted significant progress, even though some cases are still to be resolved. This agreement included a series of actions that will be taken for the creation of a unique system of justice in Kosovo, in the northern part of Kosovo, and the fulfillment of the conditions and requests determined in the agreement, that aims the integration of Serbians in north, namely of the judges and prosecutors in the Justice system of Kosovo.

In the first phase (May-September 2013) the agreement for the removal of parallel Serbian structures of justice in Kosovo was achieved. They were removed and verified from the EULEX in September 2013.

2.2.8 The Bridge That Divides the City

The agreement for the removal of the barricade in the Bridge of Mitrovica, achieved on August 25, 2015, will finally conclude the tensions and the frustration that was created from this barricade for more than 15 years and the renewed pressures from last year when this barricade, instead of being removed, is replaced with another called with a softer term “the park of peace.”

The agreement provides the following actions: It is said that on October 15, 2015 the barricade (so-called “the park of peace”) will be removed by the EU from the bridge of Ibra River in Mitrovica. The revitalization of the bridge will be implemented and founded by the EU in accordance with the approved symmetrical plans in both sides of Ibra River. The bridge will be open for free movement of vehicles and pedestrians not later than June 2016. The agreement puts an end to the division in Mitrovica, because 15 years after the war in Kosovo, the bridge would become a bridge of unification for the citizens, for the city and for Kosovo. This agreement puts an end to illegal buildings and the purposes of Serbia to change the ethnical structure in some villages. The EU and the Working Group, in collaboration with the mayors of two municipalities, will regularly monitor the political situation and that of the security during the process of revitalization.

2.2.9 The Association of Municipalities: A Needle in the Eye

The agreement on basic principles of the establishment of the Association of the municipalities with a Serbian majority in Kosovo was achieved on August 25, 2015 in Brussels. The agreement is in accordance with the Constitution of the Republic of Kosovo and its laws, even though the Constitutional Court has requested for some interventions in the basic agreement for the Association.

The Association will not have executive competencies and will not be a third level of government in the Republic of Kosovo. The Association will be a structure compound of municipalities with a Serbian majority, which will act in full accordance with the laws of the republic of Kosovo that will aid the municipalities in the materialization of their local issues. The Association does not have the right to make decisions for the municipalities and not on behalf of their member municipalities, as according to the Law of Kosovo, the municipalities have exclusive competencies for local issues and these competencies cannot be transferred to the Association. The Association will not have civilian servants but only ordinary workers. The Association will not have the chance to offer services to the citizens, but only in their member municipalities.

The Law of Kosovo enables the creation of more association of municipalities in the state of Kosovo, and that is why the creation of this association is in accordance with the laws of our country and with the European Carta for Local Government. Through this agreement, Kosovo will strengthen its sovereignty as a unitary state in accordance to its Constitution. The Constitution defines the political system of Kosovo in two level of government, local and central. Based on the agreement, the Association will contribute in the full integration of Serbians within the constitutional and legal system of the Republic of Kosovo, resulting in the

removal of all the parallel Serbian structures in Kosovo. Serbia has agreed to establish the Association of the municipalities with a Serbian majority in Kosovo, in full accordance with the Constitution of the Republic of Kosovo and its legislation. The Association will not be a budgetary organization of the Republic of Kosovo. It can profit from the inside and foreign funds, in the same way as the other existing Association of the municipalities of Kosovo.

2.2.10 Telecommunication: The Country Code for Kosovo

The agreement for the telecommunication, respectively the Action Plan for the telecommunication was achieved and signed on August 25, 2015. The agreement foresees for the state code of Kosovo to be 383, which will be separate from the International Telecommunication Union (ITU), on January 15, 2016. On November 15, 2015, Austria will apply on Kosovo's behalf to ask ITU to share the state code for Kosovo. Kosovo will have all the state rights to administrate its telephone code like all other countries. The Regulating Authority of Electronical and Postal Communications (RAEPC) will collaborate with ITU for the implementation of the telephone Code for Kosovo. Kosovo will only have one code. All other existing codes 381, 377, 386 will cease to exist because they will convert to the code 383. The implementation of the Agreement of 2013 on Energetics was blocked for more than a year because Serbia, in opposition to this agreement, has hindered KOSTT on building operational relation with ENTSO-E, and it has also tried to deviate from the agreement with the pretending for a distribution of energy, something that is not foreseen in this agreement. The Agreement/Conclusions of August 25, 2015 serve as an agreement for the unblocking of the implementation process of the Agreement for Energetics achieved on 2013. These conclusions have once more made clear that

Serbia should respect the Agreement of 2013 for energetics. The signatures of the prime ministers of both countries and of the high representative of the EU Mogherini have demonstrated a renewed commitment for the realization of what was agreed upon on 2013.

With the passing of the years 2011–2016, the dialogue with the Serbian party where Tadic, Dacic, Vucic, Nikolic, et al. were peacefully involved with the mediation of the EU on behalf of the “technical dialogue and of the “normalization of relations between Pristina and Belgrade,” the government of Kosovo accepted the internationalization of the issue of northern Kosovo, which Belgrade itself invented and brought as a political problem that needs solution. Since the end of the war (June 1999), it had established the paramilitary, military, and police units (as civil state institutions) and the implementation of the Constitution and laws of Serbia.

Since the beginning of the dialogue between the parties in Brussels, the main purpose was the return of state institutions of Serbia in the Independent State of Kosovo. The statements of many other Serbian officials, who saw the dialogue as a good possibility, as they said, of the return of Serbian institutions in Kosovo, illustrate this fact. Anyone in Kosovo even today does not see the whole process of the dialogue in the interest of Kosovo, so they have not trusted the Kosovar leaders when they claimed that a new chapter was being open relating Belgrade to relax the tense rapports, mainly after the war but even before in the historical Albanian-Serbian context.

The false and misinforming declaration that came out from the technical dialogue during March 2011–2016, that Serbia has allegedly recognized Kosovo de facto and de jure, also came out to be untrue and harmful for the national and state interests of Kosovo. The Kosovar Opposition has depicted these claims more than

once as fraud and manipulation of the citizens, who since the beginning have considered these negotiations false. The Kosovar officials' declarations many times have refuted even the Serbian presidents and prime ministers, by saying that Serbia will never recognize Kosovo as a state, but will engage to return Serbia in Kosovo. Serbia continues to finance parallel structures and its installed institutions in Kosovo. They have repeated many times that the Serbian party will not respect any kind of reciprocity with the Albanian party. The truth is that Serbia holds captive under its colonial and neocolonial rule the territory of northern Kosovo (1999–2016).

The case of some allies of Serbia, like Russia, testifies the animosity between Serbia toward Albanians, and these allies are blocking the recognition of Kosovo from the Security Council of the United Nations, where Russia has the right of veto. The Serbian leadership before its citizens has even mentioned many times that they will not recognize Kosovo even if this would condition them to not access the European Union (EU).

Although some agreements have been achieved and now signed, most of them are not implemented or are even violated and are not qualitatively fulfilled. Usually it is said that international agreements are of a negotiable language, but every action that has a nationalistic and state character in this case should have a constitutional and legal support and by being such they should also be ratified in the right moment (Republic of Kosovo, Government, Office of the Prime Minister, 2015, August 27).

2.2.11 Serbia's Double Standards

Almost continually in Brussels, in different negotiation rounds, Serbia has declared and reported that it has implemented the achieved agreements, when on the

other hand, it has active parallel structures in Kosovo, and this cannot be a qualitative implementation. Serbia also supports and strengthens the parallel municipalities against legal structures that came from the elections, by purposefully hindering them.

Not later than January of 2016, Serbia has reappointed communal structures in other parts of Kosovo, with the purpose of openly express its opposition toward everything that is institutional in the state of Kosovo. By noticing this faulty approach of Serbia, the European Union has imposed to Serbia the condition of chapter 35 in the negotiations for membership, a chapter in which are evidenced all the violations, diversions, and dualisms that Serbia has viciously committed in this terrain. On the other hand, Serbia has now started the negotiations for membership, whereas Kosovo, after the Association Stabilization Agreement (ASA), seems to have gained nothing more. Even today Kosovo remains the most isolated country in the European geography, where the citizens of the country do not have freedom of movement without visas in the Schengen areas.

No one can say that the negotiations have brought no effect, but what has been realized is not what was expected or what was desired, based on the previously achieved agreements. However, some changes have occurred in relation to the prewar period and today in Kosovo, after 5 years of dialogue. For example, since the end of the war we have had a parallel Serbian police, and today we do not anymore, at least in uniform. We have two Customs in Bernjaka and Jarinja where today they are controlled and managed from the institutions of Kosovo. The somewhat free movement of the citizens of Kosovo in Serbia has also started to happen and also the insurance of vehicles.

On the other hand, in relation to the European integrations, Kosovo has started the agreement of the MSA, as the case for the liberalization of visas is not

conditioned in the dialogue of Kosovo with Serbia. As for the liberalization of visas, the EU has not been just with the citizens of Kosovo. When regarding these developments and processes, what is noticed is that the processes of the integration of Kosovo and Serbia are separate, each with its own path.

In closing this chapter, it should be noted that because of the path that Kosovo has crossed until today, a greater support was needed from the EU as a collapsed and persecuted country over the years, an advancement to European integrations was needed, also for the fact that since the war Kosovo has been governed together with the locals by different international political, administrative, and military mechanisms and institutions.

However, even with difficulties in the development of processes, Kosovo has a safe European future and will remain a stability factor in the Balkans and beyond in the region. The coexistence and diversity continue to be universal and democratic values, which in Kosovo originates from an early tradition, and even a more advanced one from some countries that today are members of the European Union with equal rights as members.

2.3 Relations Between Kosovo and the European Union

Starting from the reality of a very successful European political and regional collaboration, for more than 50 years, the European Union has been very active in the help it offers to the countries of the Western Balkans, especially Kosovo, for the strengthening of democracy and the closer collaboration, by thus urging a more stable economic development in this region.

By taking this into consideration, the European Commission declared in May 1999 the process of Association and Stabilization, which defines the principles

through which the region's countries and peoples will advance toward the integration and membership in the European Union. From the now appointed priorities, the submission of a democracy supported on the legal state, the market economy development and the war against organized crime are involved. This process aims to equip the countries of the region and in our case Kosovo, with the necessary tools for the security of the stabilized democratic institutions, the rule of the legal state, the security of the open and prosperous economies, based on European standards and practices. Kosovo has already created strong links with the European Union through three mechanisms: commerce, financial assistance, and contractual relations. The closer collaboration between the countries of the region is encouraged as well, especially through the signing of the free commerce agreement and the strengthening of the collaboration in customs and relating the refugees' return. In all these mechanisms Kosovo has proved itself willing and successful, and for this it is also appreciated from the EU.

As is already known, Kosovo has signed the Association Stabilization Agreement (ASA), through which the common principles and values that lead the relations between the EU and Kosovo, or each country separately, are appointed. The main elements of the agreements are:

- the urge of free merchandise movement;
- the creation of efficient institutions;
- the development of commercial economy;
- the drop of crime and corruption level;
- the urge for higher education reform;
- the development of democracy, human rights, and independent press; and
- the improvement of the transports infrastructure in the region.

According to the National Program for the implementation of the ASA, it was foreseen that during the period January–March 2016, 137 home works, or duties, would be made according to the contractual agreement with the EU, but unfortunately until now not more than a quarter of them is fulfilled. Only 35 measures are entirely applied. This data is noticed also in the report of the Government of Kosovo on the fulfillment of the program for the ASA implementation. On the other hand, the officials of the government have considered this setback with the fact that the institutions on this period of time have been more focused in the implementation of eight remained recommendations in the visas liberalization process for Kosovo. Seen in this plan, this setback creates a bad impression relating the EU, because the country does not dare to remain behind relating the received obligations.

Usually, when referring to the EU, one has in mind an economic and political union between 28 member countries of this union. The EU operates through an independent supranational institution system and intergovernmental decisions negotiated by member countries. But the main institutions of the EU are the European Commission, the EU Council, the European Council, the European Parliament, the European Justice Court, the European Central Bank, and the Audits Court. Kosovo was part of the most discussed debates in the last decades from the European community and in the developmental, economic, and diplomatic politics spheres since the end of the 1990s. From this period of time, the rapports between Kosovo and the EU still remain very important and fruitful (Bajraktari, 2014). The relation of the EU with Kosovo began in a very sensitive and not at all favorable period for the country (European Union, 2016). It was the year 1999, during and after the war, when the EU began to be a crucial part of international attempts to build a

new future for Kosovo. In the beginning, the main objective of the EU in Kosovo was to help the country reach peace and stability, but now it is offering support for the authorities of Kosovo to build closer relations with the EU and the improvement of living standards for the people of Kosovo.

Kosovo has received approximately 2 billion Euros as an aid from the EU since 1999, a relief which was mainly dedicated to the building and functionalization of the central stable institutions in the country and for economic development. The EU is represented in Kosovo by two bodies: the European Union Office in Kosovo and that of the EULEX, a mission of the EU for the rule of the law. The head of the office of the EU, Samuel Zhbogar, is also the special representative of the EU in Kosovo. Some of the member countries of the EU still have their diplomatic representatives in Kosovo, as do some other non-governmental organizations from member countries (The European Union Office in Kosovo, Special Representative of the European Union in Kosovo, 2016a).

Kosovo, as a country of the Western Balkans, is now part of the European integration process since the Zagreb Summit in 2000 when the process of Association Stabilization for the Western Balkans began (Republic of Kosovo, Municipality of Gjakova, 2015). From 1999 until today, Kosovo has been submitted to different meetings and agreements with special interests for the country in collaboration with the EU. One of the historic agreements between the EU and Kosovo was that of Association Stabilization, negotiations which started in 2013 and were finalized and approved some months ago with an agreement from the government of Kosovo. With this agreement, doors that were closed until now are opened for new contractual rapports between Kosovo and the EU. This also means the start of a new age of relations with the EU and an important step toward the

membership (European Union Office in Kosovo, 2016; Republic of Kosovo, Ministry of European Integration, 2015b).

A very long and tormenting and not at all easy journey awaits Kosovo for it to adhere in the EU. As a country that has come out of the war from 16 years before, Kosovo is still facing essential issues which are harming its journey to the integration of the country. The whole functioning of the democratic institutions, the rule of the law, corruption, organized crime, and many other factors of such nature do not warrant a fast walk and a green light toward secured integrations. The government of Kosovo is responsible for these and it should reflect if it still desires to move the country forward in integrating processes.

Hard and multiple barriers exist for the start of negotiations for the membership of the country in the EU, but the hardest one is the non-recognition of the independence of Kosovo from five member countries of the EU, such as Spain, Greece, Cyprus, Romania, and Slovakia. This hesitation by these countries toward the recognition of the statehood of Kosovo occurs because they have the same inside issues with minorities, which many times have requested separation from these countries or bigger autonomy and rights. We cannot notice in any case signs of equality with the case of Kosovo, a country that won its independence after bloody wars in ex-Yugoslavia. On the other hand, Kosovo had its compact territory and the autochthonous population in its geographic spaces as one of the oldest countries of the Balkans Peninsula. Based on the latest developments, we are expecting for the countries we mentioned to review their political positions for Kosovo and to make the right decisions in the right time for the recognition of the Republic of Kosovo. As long as this does not happen, it is difficult to speak about actual and fast steps toward the EU.

We need to accept the fact that the EU is not as generous as it used to be to accept and grow the European family, so even the conditions and criteria that have been appointed in this way come out to be even harder than before from the countries that are now members. In the case of Kosovo, this is verified and seen in the process of the liberalization of visas, where many additional duties and criteria were foreseen. Later this made the citizens of Kosovo lose the likeness they had for the Union, which in a way was telling them that they are not worthy of freely moving in the free and united Europe. There were even voices from the then minister of foreign affairs for protests before the office of the EU as a sign of dissatisfaction for the continuous delay and without a deadline of the liberalization of visas. There was also a moment of a not very serious menace that appeared in the beginning, when the prime minister of the country declared that he would not be part of the negotiations between Kosovo and Serbia in Brussels because the visas were not liberalized.

Even in moments of despair, the citizens of Kosovo have not lost their faith in the integrating process, convinced that their country will one day be a member of the big European family with which it will unite the values of earlier civilization in this part of the continent.

2.3.1 European Union Membership: The Significance

The European Union in its core is not an administrative mechanism and it is not born as a mixture of some values which are previously appointed. That is why the membership of each country in this community will always remain artificial and problematic if the respective country does not embrace and respect the values that are in the foundation of this very successful unity with eagerness and continuous reliability. This union and unity cannot stand compromises that harm and degrade

values. On the contrary, being such it aims for their advancement and the creation of new common values.

The EU is the only form that can warrant the success of an intellectual, economic, and stable artistic development of the continent. That is why, the European Countries only if they operate together and in unity can stand the global development dynamics which have scored a fast and bursting advancement. Europe has a lot to offer to the world and individually, but when united, it gives added value to the service and provides maximum respect from other parts of the world.

Seen from this prospective, the countries of Western Balkans, in this case, Kosovo, have a very long way to walk to in the direction of common European values that are also vital for a natural participation in the EU. Despite emphasized delays of the countries of the region for their adhering in this Union, the EU remains the biggest donator in the region since 1991, by granting circa 6 billion Euros as an assistance. Together with the humanitarian and bilateral assistance, this amount reaches 20 billion Euros. These tools are focused mainly in infrastructure, the encouragement for democracy, economic and social development, and also in the regional collaboration in the field of justice and internal affairs, building of the administrating capacities, economic and social development, democratic stabilization, the environment and natural resources, and other spheres.

The strategies for the expansion of the EU represent documents of politics that are designed from the commission. These documents are in the form of press directed to the European Parliament and Council with the purpose of putting in the framework the process of the expansion of the EU.

The strategies of expansion are led by three main basic principles, which are:

- consolidation of the governing capabilities of the EU;

- conditioning, because every step of an aspiring state needs to be seen in conjunction with the achievements of the required standards from the process of membership; and
- communication, because the expansion process needs to be communicated to the citizens and groups inside the society so that they can have support.

Then the strategies of expansion are made possible according to their status regarding the EU. Differently from the previously followed practices, in the latest strategy of the expansion, the EU did not give a specific date to make future expansions. But, according to probabilities and events that are being developed inside the EU, this process will be delayed for a very long period of time. In the EU there are many skeptical voices regarding the expansion, which view the admission of some Balkans countries as hasty and unnecessary.

However, further expansion of the EU is greatly affected by economic effects that a further expansion can bring, from the adaption of the structure of the Union for such an event and from the filling in from an aspiring country not only of the Copenhagen Criteria but more than this in defense of the rights and foundational freedom of men and their respect in practice.

CHAPTER 3

3.1 Integration Criteria

In the founding tract of Rome, the basic criteria that would determine if a third state would be part of the community, are now appointed. The 49th Article of this tract foresees that “every European state that respects the principles of democracy can apply to become part of the community.” There are two primary criteria to become part of the community: the first relates to geographic criteria, namely being geographically part of the European continent; and the second relates to abstract and meaningful criteria for this organization that has to deal with respecting the freedom and Democracy as the basis for the community. There have also been times when a country was not accepted to apply in this community because of not respecting the geographic criteria; Morocco is such an example. Until 1993 there had not been an actual disposition that would focus on these criteria. The first summit of Copenhagen marked a turning point in this direction by appointing the so-called Copenhagen criteria:

- The Political Criteria—Institutional stability, warranty for democracy, study of the legal state, and respecting human rights; all of these include in themselves these components:
 1. democracy and the state of justice,
 2. human rights and protection of the minorities, and
 3. the regional issue and the international duties.
- The Economic Criteria—The functioning of a market economy that is capable to face the competition that is made of these main cases:
 1. the existence of a functional economy,

2. the capacity of this economy to face competing pressures and the European Union market strength, and
3. the capability to fulfill the duties for membership, by involving the following after political, economic, and monetary purposes of the EU and also the adaption of the inside legislation from the communitarian one.

By seeing all of these rules and criteria, a question comes up to mind by itself, even though it can be old: Where is Kosovo positioned in all this variety of requests from the EU? Is it ready and when will it be ready to enter this process? And if yes, how much will it be able to stand the journey with other member countries of this union?

In its Constitution, Kosovo has appointed the way of functioning of the new state. The international agreements are regulated from its 16-19 dispositions. So the 16th Article sanctions the superiority of the constitution against all other juridical actions and the principle that Kosovo respects the international human right. In the 17th Article is emphasized the possibility of the linking of agreements for the purpose of the membership in international organizations. However, such agreements are part of the inside legal system and they are implemented directly only in cases when they are not self-implementing and its implementing requires the formulation of a law (Article 19/1). After this the superiority of the agreements for national laws is emphasized.

3.2 Corruption, One of the Main Challenges and Hindrances

According to Transparency International (TI), the countries in development and most of the Western Balkans are characterized by a high rate of corruption and

organized crime. Kosovo is not excluded. The conditions, the circumstances, the processes in the place characterized with socio-economic difficulties of transition and the consequences of the war have made possible for the terrain corruption and organized crime in Kosovo to be appropriate enough.

What are some of the common characteristics for the countries that have a high rate of corruption?

- Most of the countries that have experienced totalitarianism, the war, have had civil conflicts.
- Even though the majority have chosen governments and are characterized as democratic countries, their institutions are on different development levels.
- These countries have a high unemployment rate.
- The employees in the public section receive small salaries and depending on the size of their family are considered to be living under poverty or near the poverty level.
- Civil society and the media are undeveloped or weak. (Organization for Security and Co-operation in Europe, 2006)

In Kosovo there are some institutions that deal with corruption. It is the inter-ministerial work group against corruption, created in 2003, which includes representatives from all governmental departments created. In 2012 was also founded the National Anti-Corruption Council. An important role of course also had the Mission for the Rule of the Law of the EU, EULEX. The actual condition of the judicial and prosecutorial reaction toward organized crime and corruption flows from the wrongly planned structure of UNMIK, a mission which until June 14, 2008, was charged with the full responsibility for this field, which did not achieve any actual

result. Furthermore, there is an impression that UNMIK, being unable and not ready to fight crime and corruption, urged it and changed it into a phenomenon.

It is said that something around 500 files of the time of UNMIK, around 150 criminal files with unresolved cases over the years are passed to the mission of EULEX, cases which are focused in war crimes, organized crimes, or inter-ethnic crimes (The Kosovar Institute for Research and Policy Development, 2010). The corruption is a phenomenon which is revenging against Kosovo in the process of integration. This has actually happened with other countries before Kosovo, and because it is not fought strongly from the respective countries, everything is also stagnated and the normal processes are stuck in midway or are entirely overthrown.

Local institutions are not considering as a priority the case of corruption and this phenomenon is not passing without being seen from the international representatives, which still today are not pleased at all with the achieved results, especially in this sphere, by continuously repeating to the official authorities of Kosovo that this is one of the main conditions for the start of negotiations for the membership of the country. Today corruption, organized crime, power abuse, and many other negative phenomena have become part of almost all institutions in the country. Until today it can be seen that none of the politics against corruption has been efficient. In Kosovo there is a lack of data with which can be estimated the volume and the intensity of corruption in the country, but what is already known is that corruption has found an expansion in every sphere of life. Seen in this context, it seems that in this hemorrhage everyone has become part of one another, the power and the keepers of the organized crime and corruption. And as long as this phenomenon keeps on going, in Kosovo we do not have to look and turn our sight toward the EU.

3.3 Kosovo's Priorities in the Agenda for the European Union

Despite all the problems that Kosovo is dealing with and the great work that needs to be done in the already started journey, Kosovo however has some priorities in relation to Europe. First is the participation of Kosovo in the process of Association Stabilization, the European partnership that is one of the instruments that has come from the Thessaloniki Agenda to support the reform process in the countries of the Western Balkans to bring them as close as possible to the EU. The implementation of this partnership began in 2004 (Republic of Kosovo, Ministry of European Integration, 2015a). The participation of Kosovo in regional activities, the positive approach of the institutions of Kosovo toward the European Union, the presence and assistance of international institutions, the beginning of approximation of the laws with the European Union, the human potential of Kosovo, and the use of the Euro as currency are elements or factors that create a priority and facts that the authorities of the EU should take into consideration in the case of Kosovo.

But what is worth mentioning is the inner crisis of the EU and the challenges which it is facing, and of course this will affect the integration of Kosovo too. The EU for the moment is facing an economical gap which is a crucial challenge and will decide in a similar development stage all the European economies. When it is spoken of the challenges of the EU, we cannot continue without mentioning the membership of new countries. Only a few countries are not yet part of the Union, and they are mainly countries with various problematics. The achievement of unity has been a very difficult challenge but even more difficult is what is today for the EU, keeping the unity. The crisis of the Eurozone is one of the main issues of the latter years. The EU is also facing today serious political problems, the opposition of the common constitution from France and the Netherlands that has paralyzed this process. The

nuclear weapons are one of the most serious topics today not only in the EU but in worldwide, as well as unemployment and immigration. These are some of the challenges and inner problems of the EU, but challenges that with the contribution of member countries can be easily surpassed (European Commission, 2016).

The rapport between Kosovo and the EU, or the journey of Kosovo toward the European integration is greatly dimmed in the eyes of the internationals by the idea to create a Special Court for War Crimes which will directly deal with cases of crimes inflicted during the war in Kosovo. All of these, as it is known, came from the accusations of the Swiss Senator Dick Maarty in his report concerning organ trafficking by the UCK (Kosovo Liberation Army). This is where the call for an impartial international investigation started. These declarations were associated with various oppositions from political structures of the country and higher officials where according them this was evaluated as a tendency of Russia and Serbia with the purpose to stain the war of the UCK. However, these accusations received an institutional official form of coverage and very soon Kosovo needed to start the procedures for the creation of this Court that would only deal with supposed crimes of the UCK (Human Rights Watch, 2014). Also, the creation of this Court was approved from respective organisms of Kosovo too, but even today there are allusions and different evaluations for this Court. The idea of the creation of this court greatly shocked not only the political arena but also the citizens of the country. This fact significantly dimmed the European dream and hope too, as such a court would directly affect the integration processes.

The Special Court for War Crimes in Kosovo will have its headquarters in Hague. This is because the witnesses would feel menaced if the judicial processes would happen in Kosovo. It is also said that the court would be financed by the EU

and would act in accordance with the laws of Kosovo (Government of the Netherlands, 2016). Without taking into consideration the propaganda effect and psychological effect that it has had in the international plan, Kosovo has agreed with the Court's founding, so that once and for all the truth could be revealed for the crimes and for the war and its values for freedom to not be stained or misused.

3.3.1 Free Movement of the Citizens of Kosovo: The Visa Dialogue

By considering the progress and as for the readmission and reintegration, the European Council confirmed on December 5, 2011 that Kosovo could profit from the possible visas liberalization prospective after fulfilling all of the conditions and without prejudice toward the member countries on the status (Republic of Kosovo, Ministry of Internal Affairs, n.d.). At the start of a dialogue that is difficult and has a lot of work and struggles for Kosovo, the EU presented some conditions that should be met.

After receiving the questionnaire, Kosovo engaged all the respective institutions to start the work of fulfilling the conditions for the liberalization of visas, even though some additional duties were required from Kosovo comparing other countries that had received the liberalization many years before.

Kosovo is the only country in the Western Balkans that does not have the right for free movement. Its citizens wait many days for foreign consulate services to receive a visa to enter in the states of the EU. This seems a paradox because Kosovo since after the war in 1999 has been co-governed by different international missions, which for many fields like that of security and some others have been responsible themselves. It is a generic estimation that the citizens of Kosovo have not deserved this long isolation, meanwhile the EU had brought some requests and conditions

which for a long time they themselves were responsible. No one can deny the fact that in Kosovo too there was and still are problems, like anywhere in the region, but the criteria in all spheres, not only for visas, have been very rough.

Finally, before some months Kosovo received a recommendation for the liberalization of visas and it is now expected from the respective institutions of the EU to pass this proposal and for Kosovo and its citizens to become part of the Schengen Area. Very soon, this proposal will come out and will be voted from the European parliament so that free movement can finally be applied.

3.3.2 Kosovo and the State of its Economy

The economy of Kosovo is a transitional and not developed economy in proportion with the human and natural potential it owns. A country rich in minerals, with great natural riches and many natural resources, is stuck and the economy is starting to be reborn after a long-lasting collapse.

For a long period of time, the economical activity in Kosovo was focused in extractive industries, the production of raw materials and half-ready products (lead, zinc, coal, textiles). The regulating environment was based in the Yugoslavian one of the socialism style and the heavy industry was mainly social and national.

More than 60% of society in that time lived in rural areas and the agriculture was almost all privately developed (European Commission, 1999). The war of 1999 left Kosovo entirely destroyed economically and with an unprecedented plunder in the private section as in the social one. The burning of factories and inflicted damages from the Serbian occupation caused difficulties to most of the social and public enterprises for the restoration and reactivation of their capacities. The country was under transition, and with the forming of private enterprises, the experts started to

orient their ideas and capital in such enterprises. Day after day this was growing the number of private enterprises and it expressed interest for the economic development of Independent Kosovo. As in other countries in transition, in Kosovo too, social and public enterprises were facing difficulties for the interest of new investments and the capacities activation, despite the great help of the international community. But international attention relating to the economy of Kosovo has been pleasant and it has helped the country's economy surpass the initial obstacles. In this context, the government of Kosovo in collaboration with UNMIK has worked with a number of cases that dealt with the country's economy (Recica, 2009).

Some of the problems that continued to associate Kosovo in the economy after the war were:

- non-stable electrical energy;
- the privatization and its slow reconstruction;
- lack of investments, especially foreign investments, as a result of political and investing insecurity;
- lack of the financial capital market (high interest rates with short term return);
- a very liberalistic market. Here we can distinguish merchandise from Macedonia, Serbia, and Montenegro, which make over 50% of the imported merchandise even today. This overflow of merchandise from these countries came because the merchandise from these countries would not at all undergo a regular customs tax;
- the high capital investments and re-promaterial load imported with a customs tax (since the border points), which de-stimulated local

production, and on the contrary it stimulated the import from the above mentioned countries;

- the insufficient support of initial businesses, either through trainings from the state or state institutions and business associations; and
- the difficulties for the fast and efficient circulation of businessmen out of the country. (Recica, 2009)

However, Kosovo has a new and dynamic economy, by thus going from an orchestrated economy to an open economy of the market where it experienced its deep transformation after 1999, with the liberation of Kosovo from Serbia. One of the main challenges was the process of privatization. Only during 2009, 114 Social Enterprises (SE) were declared for privatization and this number continued to grow every day (Republic of Kosovo, Ministry of European Integration, 2015c).

Even today the main challenges in the economic development plan in Kosovo still are the large rate of unemployment, the corruption and organized crime impact and somewhat also the lack of regional collaboration, since Kosovo is a member of CEFTA.

Located in southeastern Europe, the economy of Kosovo is part of the economical integration of this region, offering market expansion opportunities in a fairly broad space. A purpose in itself is the growth of this economy's competition, by raising its exporting capacity to diminish the market deficit that Kosovo actually has. As an important country for business development, Kosovo offers a series of comparative priorities such as its young and very well qualified population, its natural resources, its convenient climatic conditions, the new infrastructure, fiscal politics with the lowest taxes in the region, a geographical position with access in the regional market of CEFTA and that of the EU. Kosovo, except being a member of

CEFTA, in June of this year it also became part of the International Monetary Fund (IMF) and the World Bank (WB), and it aspires to other economic–financial powerful mechanisms like EBRD, the World Market Organization (WMO), etc. (Republic of Kosovo, Ministry of European Integration, 2015c).

Based on the annual report of the government's work for 2015 there are some spheres where there has been progress. There is improvement of economic government and of the predictability of fiscal economic policies. The government has initiated a legal reform in the field of fiscal policies with the purpose of creating facilities for the business, the strengthening of financial control and income management, tax incomes, and custom incomes forecasted to increase. The agreement with the International Monetary Fund (IMF) aims for the reduction of unemployment and the growth of investing power, the strengthening of the private section, and the encouragement of foreign investments. Also, this collaboration guarantees progress in market policies that aim for the growth of competitiveness and the integration of Kosovo in regional and global economies. There have allegedly been taken actual and efficient steps and concerning the improvement of the environment of business-making and conditions for the growth of foreign and inside investments (Republic of Kosovo, Government, Office of the Prime Minister, 2016).

But as of this writing, we need to see if the unemployment rate has really been reduced. Does Kosovo have an actual strategy to fight the corruption from which the economic condition of the country is being directly affected?

Regardless of all the difficulties and challenges that Kosovo has faced for a long period of time, it is managing to keep a steady stability after the declaration of independence. What Kosovo needs today is the strengthening of the capacities and

the independence of the public administration and a stronger and more stable judicial system. Also, there is a need to consolidate the state of justice, the anti-corruption policy, and the fight against organized crime. Kosovo is continuing its collaboration with international organizations and with other countries of the region, but its relations with Serbia after the declaration of independence—a fact that Serbia has not yet recognized and accepted—are still poor and at an unpleasant level. Meanwhile, the economy of Kosovo needs further development for the building of a functioning market economy. On the other hand, unemployment and inflation remain factors that are affecting Kosovo's macroeconomics. Kosovo is still in a process of approximation of its legislation with that of the EU in fields like customs, energetics, employment, corruption, and organized crime.

3.3.3 Unemployment in Kosovo

According to a report that the Statistics Agency of Kosovo (SAK) has published for 2015, the rate of unemployment is 32.9%, whereas the rate of employment is 25.2%. The most emphasized rate of unemployment is for the ages 18–24 with 57.7% (Kosovo Agency of Statistics, 2016). Unemployment is still a very delicate case not only for institutions but also for ordinary people because they are directly affected. The statistics are frightening and they mean a great challenge for the compilers of policies in Kosovo. Based on the financial and budget indicators in the country, the government of Kosovo is not achieving the reduction of the unemployment rate and there are not clear developmental policies. The private business acts in difficult conditions and circumstances, without the chance of new investments, the state is not participating in the rising of new producing capacities through government grants or soft loans. On the contrary, the business today in

Kosovo is facing heavy loans with high interest rates, which commercial banks apply to the businesses and citizens with no surveillance from the Central Bank of Kosovo. Thousands of small businesses close every year, whereas different companies which received loans for capital investments are not managing to return them. In these circumstances, the unemployment and the severe social condition is not expected to relent, instead it will deepen even more.

As a consequence, the severe social condition today in Kosovo is rapidly deepening. Many families live with a social assistance or with less than a dollar per day for civilian. Before and after the war in Kosovo, Kosovar families have survived from the remittances that come from foreign countries, where Kosovars work and live for many years.

3.4 The Impact of Corruption on the Economy

Corruption has been a very bad and decisive player in the economies of transitioning countries like Kosovo, especially of socialist countries and those that have just come out of wars and conflicts, which are attempting economic changes. Kosovo is part of the latter. As a country that has come out of a system to which the whole economy was destroyed, the total focus was on the change of economic development policies, and in this journey of course it would face issues of different natures, but the most destructive was and will remain the galloping corruption. Like many other countries in transition that have come out of bloody wars, Kosovo too was faced with this negative phenomenon (Adela, n.d.). Corruption has two main consequences on the economic development. Because the economic success depends on the optimal distribution of resources, change of the funds' destination through corrupted activities of managers and high officials represents a big disorder of the

distribution and as a consequence it reduces the available resources for economic growth. The corruption also scares foreign investors and discourages foreign investments.

Unfortunately, even though with all findings and statistics, in Kosovo there is a high rate of corruption in all levels, the proper tracking authorities and those of justice have not achieved the necessary results in the war against this destructive phenomenon. The opportunity, the silence before corruption, its hiding, and the stimulation in different forms have caused this phenomenon to grow day after day. This has also come as a consequence of the grip of the state in many cases of the corruption of procurators and judges themselves in the justice organisms in the country. Even judges and heads of courts have been arrested and condemned and many others are behind the bars waiting for the courts' decisions. Senior government officials have often considered the accusations for corruption as only a wrong perception, but the truth is that even in governmental institutions there is corruption, starting from the simplest officials to the ministers themselves. There has been corruption even in the Privatization Agency of Kosovo (PAK), which after the war has dealt with the privatization of social enterprises and public property. To local officials often help has come from internationals to be corrupted, who in collaboration have become wealthy by stealing Kosovar properties and then going back to their countries. This has happened in the case of big tenders and not one of them has been caught or condemned.

Recently, the prosecution organisms of EULEX have intensified their war against crime and corruption, as with the phenomenon of public property usurpation. Many properties are confiscated and many people who are holders of these phenomena are caught and judicial procedures are brought against them.

Kosovo has a very low rate of production; with a very low export level and a very high import rate, it has become a consuming country and society. Unfortunately, the country is not utilizing the economic potential and resources it owns, because the government is not managing all this potential, especially the human one.

Countries that today have overflowed in our market with their production are Serbia, Turkey, and Greece, and Italy to a lesser extent. Whereas, the places where the few Kosovar manufacturers are exporting products made in Kosovo are Germany, Switzerland, Macedonia, Albania, France, Belgium, and very little on the other side of the Atlantic.

According to some statistics, Serbia with its own products in Kosovo exports merchandise with a value of around 400 million Euros, without counting many other amounts which come into Kosovo illegally through customs in the northern part of the country or through alternative ways that Serbian criminals and smugglers have built in collaboration with Albanians of Kosovo and others.

CONCLUSION

How far along has Kosovo been able to go in terms of the EU integration processes? What are its chances to actually join the bloc, and what needs to happen before this can even be considered? Are there things that need to change? These are some of the many questions to be asked in order to understand what Kosovo is really doing about its path toward full EU membership. It is not enough merely to have the will and to repeatedly articulate it. On the other hand, the troublesome and long history of conflict in the Balkans, and especially the war between Kosovo and Serbia, has created an important momentum by internationalizing the geographical position of Kosovo and the natural course of political processes that need to happen for it to join the EU.

Until the 1990s, the EU had not undertaken any serious and substantial steps in the context of cooperation with the West Balkan countries, Kosovo included. Further to EU's recent Stability and Growth Pact, the bloc also announced the SAA for the southeastern European countries, a part of which was Kosovo, too, as a unique case. It is unfortunate that still today, the EU shows preferential and asymmetrical treatment vis-à-vis the countries it cooperates with in this regard.

The historic moments illustrating Kosovo's path before and after independence are complex and tightly connected with wider developments in the region, especially taking into consideration the whole process of the dissolution of Former Yugoslavia. Today, Kosovo and its institutions are making every attempt in their jurisdiction to get as close as possible to the EU in terms of reforms and other political processes. Unfortunately, there have been few tangible results in this context. As a consequence, chances for a swift and rapid EU membership for Kosovo are a dim and distant hope, unless true and fundamental changes occur in the political

and economic spheres. As importantly, relations with the countries in the region will be critical in determining Kosovo's readiness to be a full EU member.

Reform and serious change requires solid institutions without corruption. It is a sad fact that Kosovo has still not managed to consolidate its governing institutions to the level that is required for a functioning country. Having said this, what is then expected of Kosovo? What are these critical changes required that Kosovo makes before any of the accession talks even begin? In the context of a normal functioning and democratic country, they could be summarized as follows:

- overall reforms in the fields of justice, economy, culture, and health;
- fight against corruption and organized crime at all levels, with a strong emphasis on corruption at the upper levels of politics;
- enforcement of the rule of law;
- respect for the rule of law without exception;
- the consolidation of regional relations, especially those with the neighboring Serbia;
- the successful finalization of the demarcation process with Montenegro, at first, and then with other neighbors;
- rigid control and supervision of the borders to avoid contraband and illegal crossings of goods, capital, and people;
- fight against nepotism;
- fight against terrorism;
- the implementation of all agreements reached during the dialogue with Serbia in Brussels;
- assurance of free movement of displaced people as a result of the war;
- the full dissolution of parallel Serbian institutions in the north of Kosovo;

- the need for Serbia to remove from the preamble of its constitution the statement that Kosovo is an integral part of Serbia;
- the full assurance for legal equality for minorities in Kosovo, as well as the creation of the necessary conditions for the return to their homes for all those displaced; and
- the need to put a complete halt to the illegal migration of Kosovo citizens toward Western Europe.

In addressing these issues, it is clear that Kosovo has stagnated regarding reform in the judicial field, the rule of law, and especially the supervision and full control of its borders. The north border crossing with Serbia remains a problem that needs to be addressed. Nepotism is an issue at all levels of the society, which directly and indirectly violates the rights of the people to equal treatment and opportunity. The rule of law continues to be challenged by the parallel and illegal institutions in the north that are funded and financed directly from Belgrade. As a result of an unstable and lawful environment, property and wealth are not safe, which leads to a lack in foreign investment.

On the other hand, Serbia has shown no readiness to improve and consolidate its relationship with Kosovo. It has constantly and repeatedly denied Kosovo's statehood by blocking its international presentation whenever and wherever it can do so.

Even after 5 years since the start of the technical and political dialogue between Kosovo and Serbia in Brussels, with the mediation of the EU, much remains to be done in terms of implementation of any agreement that has been reached between the two countries. Many of the achievements have been purposely

sabotaged by Serbia, which has led to an ever-increasing feeling of disbelief and distrust in any future dialogue or chance for success.

The criteria for joining the EU are strict. Seen from the prism of where Kosovo stands today, they seem almost impossible to achieve. This is all a direct consequence of Kosovo's present leadership and the attitude it has adopted toward state-building, as well as the way it has ensured for all institutions to lose whatever independence they had. All levels of the society are subjected to the will and political agenda of the ruling parties, which means full control by the politics over an entire country. This undoubtedly is a serious blocking factor toward EU membership.

Kosovo has happily accepted the EU's mediation role in the talks it is carrying out with Serbia, in the spirit of finally ensuring sustainable peace in the region. After several rounds of negotiations with Serbia, there has been a slight decrease in the tensions between the two hostile countries. Nonetheless, Serbia has managed to block any accomplishments arising from these talks by putting forward unprincipled conditions with the only aim of delaying the successful implementation of the agreements reached.

Despite this attitude, Kosovo has shown itself to be a flexible partner ready to negotiate. In contrast to Serbia's unconstructive approach, having Kosovo play soft has caused for a rise in tensions between the ruling parties and the opposition. The most illustrative example would be the case of the border demarcation process with Montenegro.

The EU has been adamant about the importance of dialogue between Kosovo and Serbia. It has clearly stated that the outcome of such dialogue will determine the real progress each country has made in their journey toward EU membership. For Kosovo, the signing of the SAA and the start of the dialogue regarding the waiving

of the visa requirements for Kosovo's citizens are two clear indicators that the country is on the right path. However, much work remains to be done.

In this same context, it is important to state that vis-à-vis Kosovo, the EU should show a higher degree of flexibility when it comes to the whole discussion of visa liberalization. Kosovo is the only country in the region that is still subject to the visa regime imposed by the EU. The conditions to satisfy before the EU would lift such requirements were almost drastically different for Kosovo compared to those presented to other countries of the region. The EU should not assume that isolation is the right approach, as it only leads to serious consequences, such as uncontrolled massive and illegal migration. Those that suffer the most from such an isolationist approach are the ordinary citizens of Kosovo, being deprived of the simple and basic right of free movement in Europe.

It is difficult and almost impossible to envisage a successful EU integration process for Kosovo unless it creates a solid economy, ensures the rule of law and order at all times, and fights a fierce fight against corruption and nepotism. The EU should assist Kosovo in achieving these important actions.

In conclusion, Kosovo's chances for a quick EU membership are dim and rather distant. This will remain the case until crucial and critical reforms take place, aiming to harmonize the way the country operates with key principles and criteria that the EU has presented to Kosovo. There is no alternative to reforms and dialogue, just as there is no alternative to the path to full EU integration and membership. This goal can be achieved only as long as there is a strong will to reach the standards of an advanced partner, as in the EU.

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