

# **KOSOVO'S PARTICIPATION IN REGIONAL ORGANIZATIONS AND INITIATIVES**

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## Executive Summary

After the end of the Cold War, the European Union has undertaken the historic mission of integrating former communist countries of the Central and Eastern Europe. In addition to standard membership criteria, regional cooperation became part EU accession EU conditionality for these new aspirant countries. As a result, we have witnessed a plethora of regional organizations and initiatives in Central and Eastern Europe. On the other hand, due to bloody wars that followed the disintegration of former Yugoslavia, the process of integration of countries from the South Eastern Europe came with certain delay as compared to the rest of the European post-communist states. In addition, if in CEE the phases of stabilisation, transition and integration indeed overlapped, they did basically follow one another. In the Western Balkans, on the other hand, the EU integration was a condition of stabilisation, rather than the other way around. Consequently, next to the Copenhagen principles and universal Western criteria, the EU adopted regional cooperation and good neighbourly relations as an additional cluster of criteria especially for the Western Balkans.

In the aftermath of the 1999 Kosovo war, the EU introduced a more comprehensive and positive-looking regional approach through the Stabilisation and Association Process for the Western Balkans and the regional Stability Pact for South-Eastern Europe. For countries of the region, the Stabilisation and Association Agreements clearly stipulated the importance of regional cooperation and good neighbourly relations as central to their path towards the EU. The Stability Pact, on the other hand, was given unique powers to convene representatives of SEE and the international community to work on regional co-operation strategies in different areas such as democracy, economy and security. Clearly, for EU the development of regional cooperation represented a key factor for establishing political stability, security and economic prosperity in the region. Through both these mechanisms, the EU has significantly contributed to increased sensitivity for the regional issues and problems among countries in the region. As a result, the majority of plentiful regional initiatives that emerged throughout the region were EU driven

Participation of Kosovo in regional organizations and initiatives could be divided in two major phases: (1) Regional participation under UNMIK administration and (2) Regional participation after independence. Since 2004, when the first phase started, UNMIK signed a number of international agreements on behalf of Kosovo, such as Energy Community Treaty, European Common Aviation Area Agreement, South East Europe Transport Observatory, CEFIA, and most importantly Regional Cooperation Council. Such participation of UNMIK on behalf of Kosovo in all these regional organizations has certainly brought Kosovo closer to the region both politically and economically. However, UNMIK failed to ensure smooth transition of Kosovo's own representation in regional fora through gradual transfer of its competencies to Provisional Institutions of Self-Government of Kosovo. As a result, after declaring its independence in February 2008, Kosovo faced tremendous difficulties to engage on its own in regional organizations and initiatives.

Immediately after independence, Kosovo's regional participation was almost totally blocked due to enormous opposition by Serbia and other regional non-recognizing states. Initially, Serbia

either blocked or boycotted every regional event in which Kosovo tried to act as sovereign state instead of being under the tutelage of UNMIK. Fearing that the Kosovo's exclusion from regional fora could seriously jeopardize any meaningful regional cooperation and create a major challenge for the EU integration, the EU facilitated a dialogue between Prishtina and Belgrade to develop functional regional co-operation. As a result, in February 2012, Kosovo and Serbia have reached an agreement on Arrangements Regarding Regional Representation and Cooperation according to which Kosovo would participate on its own account and speak for itself at all intergovernmental regional meetings as an equal partner with all other participating States. In addition, the bilateral agreement also stipulated that Kosovo will sign new agreements and join new intergovernmental international organizations. Obviously, by linking Serbia's advancement toward Brussels with certain step-by step normalization of relations with Prishtina, the EU successfully applied its conditionality to broker several important agreements that bring Kosovo and Serbia closer to each other.

However, due to different interpretations of the ARRC by the governments of Serbia and Kosovo, initially the agreement failed to produce the expected results. Contrary to the agreement, initially Serbia continuously blocked or boycotted regional meetings where Kosovo has been invited as a partner and raised serious doubts as to good faith of Serbia in the application of the ARRC. Nevertheless, while Belgrade's efforts certainly contributed to slowing down the process of recognition of Kosovo and its integration into regional structures, they failed to stop the process altogether. Consequently, after enormous efforts and overwhelming support by the EU, Kosovo managed to join several important regional organizations such as Regional Cooperation Council and South East European Cooperation Process, and to achieve considerable progress in joining many others. Nevertheless, it clear that Kosovo's future regional participation significantly depends on overall relations between Kosovo and Serbia, international recognition and integration of Kosovo, and institutional capacity of Kosovo institutions. Only through concrete progress in all these matters could Kosovo hope for meaningful regional participation and major breakthrough in its international integration.

## Recommendations

- 1) Improvement of Kosovo's prospects for increased regional participation through enhancement of overall relations between Kosovo and Serbia
  - Build up on the existing momentum created with the latest membership of Kosovo in several important organizations.
  - Exploit further the EU's specific Kosovo-related conditionality for Serbia's progress toward the EU.
  - Intensify its structural reforms on its path towards the EU and demonstrate political will and commitment to meet the European requirements and standards in the process.
- 2) Improvement of Kosovo's prospects for increased regional participation through additional efforts for international recognition and integration of Kosovo
  - Together with the EU utilize the signing of the SAA to undertake coordinated efforts to further pressurize the five non-recognizing EU states.
  - Exploit recent increased involvement of Germany in the region.
  - Focus mainly on Greece and Romania as key players for regional participation.
  - Insist on a EU's specific Kosovo-related conditionality for Bosnia's progress toward the EU as means to soften Bosnia's position on Kosovo's regional participation.
  - Utilize Bosnia's large trade deficit as a bargaining chip for regional inclusiveness.
  - Increase efforts and lobbying for membership in the Council of Europe.
- 3) Improvement of Kosovo's prospects for increased regional participation through further strengthening of Kosovo's institutional capacity
  - Adopt a comprehensive and coordinated strategy for membership into regional organizations and initiatives.
  - Undertake structural reforms to enhance good governance, improve efficiency of the institutions and generate political and socio-economic development.
  - Strengthen the focus on inter-ministerial coordination, resources and administrative and physical infrastructure to secure successful regional participation.
  - Allocate adequate and proper human and financial resources to improve performance and import knowledge and projects from regional participation.

# 1. INTRODUCTION

Regional cooperation represents one of the crucial elements for development of all countries in South East Europe (SEE), especially in fields where bilateral cooperation cannot provide the desired results. Moreover, there are also regional issues or issues requiring collective and multilateral action by some or all the states in the SEE region in order to achieve benefits which cannot be attained by individual states acting in isolation. In practice, this includes every field where there is a common good to be produced but the resources of the single country are not enough, alone, to get the scope. This is particularly true for fields like energy, transport, and environment, where the need for investments is disproportionately high and asks for a regional coordination towards international donors or financial institutions. The argument goes also in the opposite direction: regional cooperation nets – in every field – could work only if all regional components are inter-connected and may contribute to the achievement of the common goal. Fight against organised crime is the perfect example of a regional net that could work only if all countries of the region) are included, but the same principle applies almost in all fields of regional cooperation.<sup>1</sup>

Four main reasons have been identified for promoting regional economic cooperation in South East Europe<sup>2</sup>. First, the need to increase mutual trade through the elimination of tariff and non-tariff barriers, since lower prices would encourage greater regional trade flows and compensate for the weak export performance of Balkan states to the West. Even a transitory impulse to trade flows, may create static and dynamic gains and provide strong incentives for regional development. Second, integration can contribute to the resolution of issues that need to be addressed at a regional level, such as migration, infrastructure, energy, ecological damage, environmental issues, illegal trafficking etc. Due to the nature of these issues, which affect the Balkans as a whole, an attempt to resolve them unilaterally can be only partially successful. Third, integration can encourage investment through greater political and economic stability in the region. A high savings deficiency, due to poverty, underdevelopment and loss of confidence in the banking system, renders the attraction of capital from abroad especially important. Regional co-operation can reduce political risk, promote economic stability and increase the size of local markets, contributing, therefore, to investment activity. Fourth, regional integration is a means through which convergence and eventual integration into the European and the Euro-Atlantic economic and security structures can be accelerated.<sup>3</sup>

It has to be mentioned that regional cooperation in South East Europe (SEE) has not been very vivid during the period of the Cold War, mainly due to great ideological differences among countries in the region. Greece and Turkey were members of the Western block and also members of the NATO alliance; Bulgaria and Romania were part of the so called Eastern block

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<sup>1</sup> Mameli, Simona. "Regional Cooperation in Western Balkans in Times of Political and Economical Uncertainty." *Portal on Central Eastern and Balkan Europe*, University of Bologna, No. 8, February 2011, p. 26.

<http://www.pecob.eu/flex/cm/pages/ServeBLOB.php/L/EN/IDPagina/2961> (10.07.2014)

<sup>2</sup> Uvalic, Milica. "Regional Co-operation in Southeast Europe." *Journal of Southeast European and Black Sea Studies*, Vol. 1, No. 1, 2001, pp. 14-15.

<sup>3</sup> Uvalic, Milica. "Regional Co-operation in Southeast Europe." *Journal of Southeast European and Black Sea Studies*, Vol. 1, No. 1, 2001, pp. 14-15.

headed by the Soviet Union, while at the same time being members of the Warsaw Pact; former Yugoslavia although formally a communist country, in fact kept itself out of the two main blocks and was one of the founders of the so called non-aligned movement; Albania was also a communist country that left the Warsaw Pact in 1968, and has since then pursued a policy of total isolation from the rest of the world, including its neighbours.

Such reality has dramatically changed after the fall of communism and the end of the Cold War, when the entire Europe, both East and West was engulfed in an euphoria of enlargement and integration. After almost half a century, the former communist European countries had a chance to reunite with countries of the Western Europe and to put an end to European divisions created by Iron Curtain. Not only have ideological divisions disappeared, but the European Union (EU) – to which all former communist countries were aspiring to - has made regional cooperation one of the most important prerequisites for membership, especially for countries of the Western Balkans. Consequently, in more than 20 years we have witnessed a plethora of regional organization and initiatives emerging throughout the region. While loads of them were mainly EU led and created, many others, often indigenous ones, have also come into existence. The main aim of this paper is to analyse Kosovo's participation in different regional organizations and initiatives in South East Europe. In doing so, the paper will initially explore the wider context of regional cooperation in SEE after the end of the Cold War, and will afterwards dwell on concrete steps of Kosovo to increase its visibility and presence among these regional organizations and initiatives.

The structure of the paper consists of five chapters altogether, including introduction and conclusion. After the introductory chapter, in the second chapter the paper will focus on a broader perspective of the evolution of regional cooperation in SEE after the End of the Cold War. Within this chapter, in separate three sub-chapters, special emphasis will be given to the Stability Pact (SP), Stabilization and Association Process (SAP) as well as other regional organizations and initiatives. In the following chapter, the paper will then turn to Kosovo's path towards regional participation. Here, in separate two sub-chapters we will first analyse Kosovo's membership in different regional organizations and initiatives under UNMIK Administration and after independence. After that, we will analyse in more detail Kosovo's concrete participation in political, economic and other forms of regional organizations and initiatives. The fourth chapter deals with future perspectives of Kosovo's participation in political, economic and other forms of regional organizations and initiatives. The paper will end up with a concluding chapter that aims to summarize main findings of our analysis.



## 2. THE EVOLUTION OF REGIONAL COOPERATION IN SOUTH EAST EUROPE AFTER THE END OF THE COLD WAR

### 2.1. Regional Cooperation as part of the European Union Conditionality

After the World War II, Europe was divided between western democratic states and those that had Communist governments. Starting in 1989 the Cold War came to an end with the fall of the Berlin Wall, the collapse of communism, and the disintegration of the Soviet Union and former Yugoslavia. Within a short period of time it became clear that the demise of Communism held profound implications for the future of Europe – both east and west. As the old certainties of the Cold War were replaced with a somewhat amorphous geopolitical framework, all European countries found themselves confronted with a drastically altered geopolitical configuration.<sup>4</sup> The former communist countries of Central and Eastern Europe (CEE) after almost half a century had a chance to reunite with countries of the Western Europe and to put an end to European divisions created by Iron Curtain. The enlargement of the EU was driven by the historical experience that Europe is only a safe and prosperous place when it is united. Such enlargement was not only in the European interest, but in the interest of more peace, more stability, more prosperity and more cooperation.<sup>5</sup>

The new governments of the former European communist countries that were created following multi-party elections after the collapse of communism have from the beginning framed their endeavours and aspirations with explicit reference to the core values of European integration. It was clear that they were seeking freedom, prosperity, and a secure place within European organizations, especially the European Union. Within the EU itself the newly created reality led to a period of intensive questioning and dilemmas. The main dilemma the EU was facing had to do with how it should respond to the stated desire of former communist countries from the Central and Eastern Europe (CEE) for full membership. It was the first time that Article 237 of the Treaty of Rome, which simply stated that “any European State can apply” for membership of the Community, began to be scrutinized.<sup>6</sup>

On the one hand, from the very beginning European integration had the ambition to demonstrate the capacity of building an alternative democracy, which would attract the Soviet system, which had been maintaining its control over the eastern part of Europe. With the fall of the Berlin Wall, almost everybody understood that it was the rise of a new era for Europe, which would hopefully allow all Europeans to live under a common system and to confidently look to the future. EU enlargement ultimately appeared to be the goal of this transformation. On the other hand, despite high expectations of countries of the Central and East European states, the EU was initially reluctant to immediately offer the promise of full membership. Nevertheless, in 1993 at the European Council in Copenhagen, the road towards Central and Eastern European enlargement was paved when EU officially acknowledged that “the associated countries of

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<sup>4</sup> O'Brennan, John, *The Eastern Enlargement of the European Union*. New York: Routledge, 2006, p. 13.

<sup>5</sup> Verheugen, Günter, “Challenges and Opportunities of the Enlargement of the European Union,” in George Vassiliou eds. *The Accession Story: The EU from 15 to 25 Countries*. Oxford: Oxford University Press, 2007, p. 1.

<sup>6</sup> O'Brennan, p. 14.

Central and Eastern Europe that so desire shall become members of the Union. Accession will take place as soon as a country is able to assume the obligations of membership by satisfying the economic and social conditions.”<sup>7</sup> According to Peter Ludlow, Copenhagen Summit transformed the enlargement question “from a theoretical possibility to an agreed goal,” and articulated substantial criteria by which progress could be measured.<sup>8</sup> Copenhagen Summit marked the beginning of the so-called EU conditionality that played such an important role in total transformation of the former communist CEE countries. The criteria that the candidate countries must meet in order to join the EU were known as Copenhagen Criteria and they included the achievement of stable institutions that guaranteed democracy, the rule of law, human rights, and respect for and protection of minority rights; the establishment of a functioning market economy, as well as the ability to cope with the pressure of competition and the market forces at work inside the Union; and the ability to assume the obligations of membership, in particular adherence to the objectives of political, economic and monetary union.<sup>9</sup>

It was clear that the political and economic conditions set out at the Copenhagen European Council in 1993 for CEE aspirant countries were much more comprehensive conditions for membership than had been set for any previous applicant.<sup>10</sup> Nevertheless, later on the European Council also agreed that “future cooperation with the associated countries shall be geared to the objective of membership,” thus establishing an explicit link between cooperation and accession that did not exist in the Europe Agreements.<sup>11</sup> Thus it became clear that parts of the EU membership conditionality, also advanced interstate cooperation. Regional cooperation in the CEE region started to form immediately after the extensive changes in the region in 1989 and was strongly influenced by the process of Eastern Enlargement of the EU. This influence is especially significant because of the pressure of the EU itself on the formation of regional integration in CEE during the accession process. Similar to the nature of the process of the EU accession, the challenges that the regional cooperation in the CEE region tried to address were economic and political. Because of this, two types of regional integration efforts came into being in the CEE region during the accession process. Firstly, forums for political cooperation, the main objective of which was to address matters of political, cultural and social cooperation on the way into the EU. Secondly, organizations aiming regional economic integration with the goal of liberalizing mutual economic relations among aspirant countries.<sup>12</sup>

As a result of this pressure, a whole range of regional cooperation schemes have been formed in the region. The early 1990s saw the emergence of the Central European Initiative (CEI)

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<sup>7</sup> Avery, Graham, “The enlargement negotiations,” in Fraser Cameron eds. *The Future of Europe: Integration and Enlargement*, New York: Routledge, 2004, p. 36.

<sup>8</sup> Ludlow, Peter, *The Making of the New Europe: The European Councils on Brussels and Copenhagen 2002*, European Council Commentary 2/1, Brussels: Euro Comment, 2004, p. 21.

<sup>9</sup> European Council, Presidency Conclusions, Copenhagen European Council, *Bulletin of the European Communities*, EC 6–1993.

<sup>10</sup> Michalski, Anna and Wallace, Helen, *The European Community: The Challenge of Enlargement*, London: Royal Institute of International Affairs, 1992, p. 73.

<sup>11</sup> O’Brennan, p. 23.

<sup>12</sup> Cihelková, Eva and Hnát, Pavel, “Regional Integration of the New Member States during the Pre-Accession Period and after Eastern Enlargement,” Centre for Applied Policy Research (CAP) Working Paper, December 2006, p. 8.

involving both EU members and candidate countries. Launched in 1989 by Yugoslavia, Italy, Austria and Hungary, the CEI represented an intergovernmental forum for economic, political and cultural cooperation with the main goal to assist the transitive economies converging on the EU.<sup>13</sup> The CEI was successful during several waves of the enlargement process in the 1990s and its last enlargement took place in 2000 when Serbia and Montenegro became members. The CEI and its relationship to EU institutions is a good example of the development of the EU's approach to regional integration in Central and Eastern Europe. Similar to other cases of integration in the region, the CEI defined its relationship to dominant integration in Europe as purely complementary rather than competitive.<sup>14</sup>

Similarly, in February 1991, the presidents of Hungary, Czechoslovakia<sup>15</sup> and Poland met in Visegrad and declared their will to develop three-way political and economic cooperation on the path to NATO and EU membership. The so called V3 effectively pursued common policies around these goals and by 1992 the Visegrad Group (VG) brand was well established within and outside the region.<sup>16</sup> Yet 1992 also saw developments that brought about the onset of decline of the VG. The division of Czechoslovakia, a tendency for competition to replace cooperation in EU relations and Slovakia's progressive loss of ground in the EU and NATO enlargement process all undermined the VG. The period 1993-98 is usually characterised as a time of dormant VG cooperation. A major re-launch occurred in 1998 following governmental changes in the Czech and Slovak Republics. Also at this time, the EU pre-accession process had now reached the membership negotiation stage and was generating issues of common interest that fuelled political cooperation for pragmatic reasons - for example, the need to maximise Slovakia's chances of joining the EU at the same time as the other Visegrad states. Significant steps forward in formalising the VG cooperation framework were taken in May 1999 following a review of the main principles and procedures of the sub-regional alliance.<sup>17</sup> It must be emphasized that though there was no formal requirement for regional cooperation in the content of the Europe Agreements, it is well known that there was considerable behind the scenes pressure on Visegrad countries to overcome their initial reluctance. The message from the European Commission was that lack of progress on mutual relations would be inconsistent with ambitions to further develop integration with the EU. Though the regional cooperation agenda was tied in with the alleged 'stabilisation' phase of EU policy towards CEE, the links with future membership - and therefore an integration approach - were already evident.<sup>18</sup>

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<sup>13</sup> For a detailed discussion on CEI see Cviić, Christopher, "The Central European Initiative," in Andrew Cottey eds. *Subregional Cooperation in the New Europe: Building Security, Prosperity and Solidarity from the Barents to the Black Sea*, London: Macmillan Press, 1999, pp. 113-127.

<sup>14</sup> Cihelková, p. 8.

<sup>15</sup> The Visegrad Group (VG) was initially known as 'Visegrad Three' (V3), but later when in 1993 Czechoslovakia split in two independent countries (Czech Republic and Slovakia), the group subsequently became 'Visegrad Four' (V4).

<sup>16</sup> Dangerfield, Martin, "The Visegrad Group and the European Union's 'Eastern' Dimension," EUSA Biennial Conference 2009, Los Angeles 23, Panel 6I: *Reconsidering Enlargement*, p. 4.

<sup>17</sup> For an extensive discussion on the rise and fall of the VG see Dangerfield, Martin, "The Visegrad Group in the expanded European Union: From pre-accession to post-accession cooperation," *East European Politics and Societies*, Vol. 22, No. 3, 2008, pp. 630-667.

<sup>18</sup> Dangerfield, Martin, "Regional Cooperation in the Western Balkans: Stabilisation Device or Integration Policy?," *Perspectives on European Politics and Society*, Vol.5, No.2., 2004, p. 210.

In 1993, the Visegrad countries laid the foundation of the Central European Free Trade Agreement (CEFTA) aimed at liberalising trade flows in the region. Importantly, the key condition for joining CEFTA, alongside membership in the World Trade Organization (WTO), was the conclusion of an association agreement with the EU. Thus, the arrangement was considered a stepping stone to EU membership.<sup>19</sup> In addition, there were many important factors of forming an economical organization such as CEFTA in the framework of regional cooperation. First, the ability of the member states to increase their trade with each other helped promoting their prosperity and supported their transition to market based economies. Second, with their integration, they would build a bridge between the EU and the rest of the CEE. Third, forming an alliance strengthened the power of the member states in entry negotiations with the EU.<sup>20</sup> Being relatively attractive politically, CEFTA gradually drew new members such as Slovenia (1996), Romania (1997), Bulgaria (1999), Croatia (2003), and after 2006 other countries of the Western Balkans as well.

The idea of regional cooperation as a stepping stone to EU membership moved in the direction of regional cooperation as a formal condition of EU accession with the EAs signed with the Baltic states in 1995. The agreements with Estonia, Latvia and Lithuania required from associates “to maintain and develop cooperation among themselves” and to “make every effort to enhance its progress.”<sup>21</sup> Consequently, in Copenhagen in 1992 the Foreign Ministers of the Baltic Sea region established the Council of the Baltic Sea States (CBSS) as a direct form of regional cooperation. The CBSS was set as an overall political forum for regional intergovernmental cooperation, and its members include the 11 states of the Baltic Sea region as well as the European Commission. In addition to the EU, due to the geographical and cultural proximity of both regions the Council was also specifically influenced by the institutional arrangement of the Nordic Council. Since its founding, the CBSS has contributed to ensuring positive developments within the Baltic Sea region and has served as a driving force for multi-lateral co-operation. In parallel with its increasing influence and scope, the organisation has been incrementally involved in the activities of the European Union. As a matter of fact, the organisation has been able to draw the attention of the EU to the region, and in particular of the Commission, through the Baltic Sea Region Initiative, the sole case in Europe in which the Commission has launched an initiative in the framework of a regional organisation and that has recognised a complementary role to an ‘outsider’.<sup>22</sup>

Thus, it might be concluded that the European Union has greatly influenced the formation of regional cooperation in the CEE region. No matter whether the main agenda of the CEE integration addressed economic or political issues, all integration was positively influenced by the

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<sup>19</sup> Bechev, Dimitar, “Carrots, sticks and norms: the EU and regional cooperation in Southeast Europe,” *Journal of Southern Europe and the Balkans*, Vol. 8, No. 1, April 2006, p. 29.

<sup>20</sup> Kupich, Andrzej, “The Central European Free Trade Agreement: Problems, Experiences, Prospects,” in Andrew Cottey eds., *Subregional Cooperation in the New Europe: Building Security, Prosperity and Solidarity from the Barents to the Black Sea*, London: Macmillan Press, 1999, p. 90.

<sup>21</sup> Dangerfield 2004, p. 211.

<sup>22</sup> For an extensive discussion on Baltic cooperation see Tassinari, Fabrizio and Williams, Leena-Kaarina, “Soft Security in the Baltic Sea Region: Environmental Co-operation as a Pilot Project for Regional Integration in the Baltic Sea Area,” in Fabrizio Tassinari eds. *The Baltic Sea Region in the European Union: Reflections on Identity, Soft-Security and Marginality*, Wydawnictwo Uniwersytetu Gdańskiego, Nordeuropa-Institut der Humboldt-Universität zu Berlin, Gdańsk–Berlin, 2003, pp. 17-22.

efforts of the EU to support the creation of formal, as well as informal, integration processes in the CEE in the pre-accession period. These efforts were mainly motivated by the EU's interest in mutual relations between potential new members that would foster their position in the competitive environment of the internal market.<sup>23</sup>

## 2.2. Stabilization and Association Process

At the initial stage after the collapse of communism, the enlargement perspective for Western Balkan countries<sup>24</sup> came with certain delay as compared to the rest of the European post-communist states. On the one hand, the EU was mainly preoccupied with the enlargement process of the Central and East European countries, while on the other hand, the Balkans were engulfed in bloody wars after the disintegration of former Yugoslavia. In addition, if in CEE the phases of stabilisation, transition and integration indeed overlapped, they did basically follow one another. In the Western Balkans, on the other hand, the EU integration was a condition of stabilisation, rather than the other way around. This implied that the phases of stabilisation, transition and integration needed to proceed simultaneously for their mutually reinforcing effects to work.<sup>25</sup> Therefore, though the process of EU enlargement towards the Western Balkans reproduced many of the patterns of the Central and East European enlargement experience, at the same time it also introduced some new aspects to the evolving process of political conditionality. These additional new criterion reflect the changing international circumstances, the internal EU anxieties and balances, and the regional and country-specific contexts. Next to the Copenhagen principles and universal Western criteria, the EU adopted an additional cluster of criterion especially for the Western Balkans addressing the post-conflict regional challenges of reconstruction, stabilization and reform.<sup>26</sup>

The Royaumont Process, launched in December 1996 under the French EU Presidency in order to support the implementation of the Dayton/Paris Peace Agreements, was the EU's first comprehensive initiative in the region. In fact, the Royaumont process in addition to the EU member states, also involved regional neighbouring countries, as well as the US, Russia, the OSCE and the Council of Europe. It focused on promoting regional projects in the fields of civil society, culture, human rights and democracy, while at the same time it prioritized the inter-parliamentary dialogue. Such an initiative for dialogue and cooperation was welcomed by all national parliaments of South East Europe. In addition, the Royaumont Process was also supported by the European Parliament.<sup>27</sup> The driving vision of the Royaumont Process was a united European family founded on the principles of peace, stability, cooperation and democracy, while its significance was that it promoted the channels of dialogue and opened the way for the Regional Approach of the EU.

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<sup>23</sup> Cihelková, p. 7.

<sup>24</sup> Albania, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia and initially Federal Republic of Yugoslavia (afterwards Serbia and Montenegro).

<sup>25</sup> Batt, Judy, "The Stability/Integration Dilemma," in Judy Batt eds., *The Western Balkans: Moving on*, Chaillot Paper No. 70, October 2004, Institute For Security Studies, p. 19.

<sup>26</sup> Anastasakis, Othon, "EU's political conditionality in the Western Balkans: towards a more pragmatic approach," *Southeast European and Black Sea Studies*, Vol. 8, No. 4, December 2008, p. 367.

<sup>27</sup> European Commission, "European Union Initiatives for South-eastern Europe to Date." <http://europa.eu.int/comm/enlargement> (23.09.2014).

The Regional Approach symbolized the initial sign of change in EU strategy towards the Western Balkans. It was recognized that Europe failed to act together and produce a comprehensive policy for the Balkans since the dissolution of Former Yugoslavia. The EU regional approach to the countries of South-Eastern Europe was first adopted on 26 February 1996, in its Conclusions of the General Affairs Council. Here, the EU clearly states that “the agreements with each of the countries concerned must be designed as a substantial incentive to political stability and as an instrument for economic development and cooperation between them, between those countries and their neighbours, and with the European Union.”<sup>28</sup> These terms of conditionality were further defined on 29 April 1997, when the Council established political and economic conditions to be fulfilled by these countries, as the basis for a coherent and transparent policy towards the development of bilateral relations in the field of trade, financial assistance and economic cooperation, as well as of contractual relations.<sup>29</sup> Nevertheless, it should be mentioned that the 1997 Regional Approach had limited success and focused more on the suspension of, and/or exclusion from agreements, or the freezing of financial assistance.

In the aftermath of the 1999 Kosovo war, the EU introduced a more comprehensive and positive-looking regional approach through the Stabilisation and Association Process (SAP) for the Western Balkans<sup>30</sup> and the regional Stability Pact for South-eastern Europe (SP). Clearly, EU leaders decided that a policy of emergency reconstruction, containment and stabilisation was not enough to bring lasting peace and stability to the Balkans. It was thought that only the real prospect of integration into European structures would be able to achieve that. The European Councils at Feira and Nice explicitly recognised the countries’ vocation as “potential candidates” and spoke of “a clear prospect of accession” once the relevant conditions had been met. The Stabilisation and Association policy has been designed to help the Balkan countries transform that aspiration into reality, and to establish a strategic framework for their relations with the EU.<sup>31</sup> Consequently, the Stabilisation and Association Process, and its main components Stabilisation and Association Agreements (SAAs) and the Community Assistance for Reconstruction, Development and Stabilisation (CARDS – January 2007, was replaced by Instrument for Pre-Accession Assistance - IPA) program have become the principle means of implementation of current Western Balkans policy of the EU.<sup>32</sup> However, this came with an increased political conditionality that placed the emphasis on the principles of peace, justice for war crimes, reconciliation, anti-discrimination, and good neighbourly relations. In addition, the EU reports and strategy papers stressed the state and institutional weakness of all the Western Balkan states and focused additionally on state-building, offering in parallel financial and technical assistance for the modernization of the local administrative structures.<sup>33</sup>

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<sup>28</sup> Conclusions of the General Affairs Council of 26 February 1996.

<sup>29</sup> Conclusions of the General Affairs Council of 29 April 1997.

<sup>30</sup> Conclusions of the General Affairs Council of 21–22 June 1999.

<sup>31</sup> “The Stabilisation and Association process for South East Europe First Annual Report,” Commission of the European Communities, Brussels, 03 April 2002, p. 4.

<sup>32</sup> Pippan, Christian, “The Rocky Road to Europe: the EU’s Stabilisation and Association Process for the Western Balkans and the Principle of Conditionality,” *European Foreign Affairs Review*, Vol. 9, 2004, p. 222.

<sup>33</sup> Anastasakis, Othon, “EU’s political conditionality in the Western Balkans: towards a more pragmatic approach,” *Southeast European and Black Sea Studies*, Vol. 8, No. 4, December 2008, p. 368.



The importance of the regional cooperation among countries of the Western Balkans was once again emphasized at the Zagreb Summit held in November 2000. The Final Declaration of the Summit stated that “recent historic changes are opening the way for regional reconciliation and cooperation. They enable all the countries in the region to establish new relations, beneficial to all of them, for the stability of the region and peace and stability on the European continent.”<sup>34</sup> The outcomes for regional cooperation were not only rhetorical since the Zagreb Summit participants also agreed that regional cooperation requirements would be incorporated into the Stabilisation and Association Agreements and that a move to a mutual free trade zone would be given a high priority. Underlying this development, of course, was the SAP states’ recognition that this was not really a matter of choice - any other considerations vis-à-vis regional cooperation had to be subordinated to the priority of furthering EU relations.<sup>35</sup>

Following the completion of the negotiations for a Stabilization and Association Agreement at the Zagreb Summit, Republic of Macedonia was the first country in the region to sign the SAA on 9 April 2001.<sup>36</sup> The main aim of the SAAs was the establishment of a formal association between the Western Balkan countries and the Union over a transitional period. In this period, potential candidate countries would gradually adjust their laws and structures to the core standards and rules of the EU market and harmonize their legislation to the Community acquis. Moreover, SAAs were assumed to facilitate transition to market capitalism and democracy and also to foster regional cooperation in all fields covered by this agreement. This adoption and harmonization process was assumed to operate just like Europe Agreements as in the accession of the CEE countries, and to accelerate and shape internal political and legal reforms in the Western Balkans.<sup>37</sup>

In this Agreement, there were few specific conditions regarding the regional cooperation and good neighbourly relations. Namely, the Agreement clearly states that “international and regional peace and stability, the development of good neighbourly relations are central to the Stabilisation and Association Process.” Moreover, “the Republic of Macedonia commits itself to enter into cooperation and good neighbourly relations with the other countries of the region including an appropriate level of mutual concessions concerning the movement of persons, goods, capital and services as well as the development of projects of common interest. This commitment constitutes a key factor in the development of the relations and cooperation between the Parties and thus contributes to regional stability.”<sup>38</sup> Soon after Macedonia, on 29 October 2001 Croatia also signed the Stabilisation and Association Agreement with EU. Again, like in the case of Macedonia, the regional cooperation and good neighbourly relations with other countries of the region represented the key element of the agreement.<sup>39</sup> It was clear that in the case of Western

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<sup>34</sup> The Zagreb Summit brought together the heads of the SAP states in the first post-Milosevic multilateral meeting. It also gave birth to what is known as the ‘Zagreb Process’ which gathers together the political leaders of the EU states and the West Balkan states; see “The Declaration of the Zagreb Summit,” 24 November 2000.

<sup>35</sup> Dangerfield 2004, p. 213.

<sup>36</sup> Otherwise, the Stabilisation and Association Agreement entered into force on 1 April 2004.

<sup>37</sup> Pippan, p. 233.

<sup>38</sup> “Stabilisation and Association Agreement between the Republic of Macedonia, of the one part, and the European Communities and their Member States, of the other part,” 9 April 2001, Article 3 and 4.

<sup>39</sup> “Stabilisation and Association Agreement between the Republic of Croatia, of the one part, and the European Communities and their Member States, of the other part,” 9 April 2001, Article 3 and 4.

Balkan countries, the EU has from the outset decided to actively engage in shaping good neighbourly relations and regional cooperation. The importance of the regional cooperation and good neighbourly relations with other countries of the region was also clearly stated in respective Stabilisation and Association Agreements that all other countries of the region later signed with the EU.

### 2.3. Stability Pact

Somewhat parallel to the SAP, on 10 June 1999, the EU also initiated the Stability Pact for South Eastern Europe. However, despite the leading role of the EU, the Stability Pact was not a mere EU instrument. In the founding document, more than 40 partner countries and organisations<sup>40</sup> undertook to strengthen the countries of South Eastern Europe "in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region."<sup>41</sup> It is important to clarify though that SP was not an international organisation, it did not have financial resources of its own and it was not an implementing body. The Stability Pact was designed as a temporary body with unique powers to convene representatives of SEE and the international community to work on regional co-operation strategies in different areas such as democracy, economy and security.<sup>42</sup>

In the founding document of the Stability Pact, the EU, which assumed a leading role in the Pact, undertook to draw South Eastern Europe "closer to the perspective of full integration ... into its structures", including eventual full membership. Countries wishing to be admitted had, however, to first meet the conditions defined by the EU Council in 1993 concerning democratic, economic and institutional reforms.<sup>43</sup> In its functioning, the Stability Pact worked as a two way street between the donors and recipient countries in the region. Most importantly, the EU and its member states were also the most important donors in the region. The support of an international community was conditioned upon the implementation of appropriate reforms. Therefore, within the framework of Stability Pact, the governments in the region were not responsible only for Copenhagen criteria, but also for regional co-operation, economic reforms, fight against corruption and organized crime and so forth. In return, the donors obliged to support the stabilisation and reconstruction process in a coordinated way through assistance and credits. All these key elements would be achieved through regional cooperation, and integration of the Western Balkans into the Euro-Atlantic institutions.<sup>44</sup>

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<sup>40</sup> The Stability Pact Partners are as follows: 1. The countries of the region: Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Republic of Macedonia, Moldova, Romania and Serbia & Montenegro. 2. The European Union Member States and the European Commission. 3. Other countries: Canada, Japan, Norway. 4. Russia, Switzerland, Turkey, USA. 5. International organizations: UN, OSCE, Council of Europe, UNHCR, NATO, OECD. 6. International financial institutions: World Bank, International Monetary Fund (IMF), European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB), Council of Europe Development Bank (CEB). 7. Regional initiatives: Black Sea Economic Co-operation (BSEC), Central European Initiative (CEI), South East European Co-operative Initiative (SECI) and South East Europe Cooperation Process (SEECPP).

<sup>41</sup> For the final text of the Stability Pact of 10 June 1999 see <http://www.stabilitypact.org>.

<sup>42</sup> "Eight years of the Stability Pact for South Eastern Europe – From Stabilisation to Integration," The Stability Pact for South Eastern Europe brochure, 12 December 2007, p. 4.

<sup>43</sup> Final text of the Stability Pact.

<sup>44</sup> Hombach, Bodo, "Stability Pact for Southeastern Europe: a New Perspective for the Region," *Perceptions: Journal of International Affairs*, Vol. 5, No. 3, September - November 2000, p. 6.



The structures and working methods of the Stability Pact were modelled similarly to the OSCE. In organisational terms, the Stability Pact relied on political leadership of a Special Coordinator and a secretariat of some 30 staff. The Pact's mandate to focus on the promotion of sustainable democratic systems, the promotion of economic and social wellbeing, and the creation of a stable security environment, was reflected in its three main organisational units - known as Working Tables.<sup>45</sup> Under the auspices of each Working Table, regional and international partners come together on an equal footing to ensure progress on specific issues. This unique forum allowed for the development of strategies that were based on best international practice but tailored to local circumstances. It also permitted better coordination of regional and international resources.

From the outset, it was clear that the Stability Pact was supposed to be complementary to SEE aspirations for EU and NATO membership. However, given the priority that countries in the region attach to joining the EU and NATO, the willingness on the side of the countries of South Eastern Europe to take an active role in their own regional co-operation body, the Stability Pact was, at least initially, limited. While welcoming the ability of the Pact to act as an intermediary for much-needed technical and financial assistance, several SEE countries were reluctant to become closely involved in its activities.<sup>46</sup> Partially this was due to political concerns in some of the countries that the Pact would be used as a waiting room for EU membership or even as an alternative to the EU membership. Political and economic differences among the SEE countries, together with a legacy of bitterness, led some countries to believe their best hope of early EU and NATO membership was to 'go it alone', relegating co-operation with their Balkan neighbours only to situations of absolute necessity.<sup>47</sup>

Consequently, this has contributed to discussions on whether the EU initiatives of SP and SAP are complementary or competing in terms of regional co-operation and EU integration of the Western Balkans. For instance, according to Meurs and Yannis, the SP and SAP were not a perfect match since strategically SP and SAP were based on contrasting contractual principles and did not jointly provide a comprehensive framework for the European integration. The SP prioritized regional cooperation for political and economic stabilization and the prevention of the structural deficits as well as conflicts in the region. The SAP also emphasized the necessity of regional co-operation, but mainly the SAP identified regional co-operation as a necessary and key mechanism for the EU integration of the region rather than for the development needs and specificities of the regional countries.<sup>48</sup> Experiences driven from the previous enlargements of the EU proved that EU accession has been fundamentally a state central process that required strong national regulatory and administrative capacity as well as domestic support to the Europeanization project. In order to benefit from EU funds and assistance, the governments of

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<sup>45</sup> There were three working tables under the Regional Table: working table one designed for democratization and human rights; working table two designed for economic reconstruction, cooperation and development; working table three designed for security issues with two sub tables namely security and defence and justice and home affairs. For detailed information for the structure and working methods of the SP see <http://www.stabilitypact.org>.

<sup>46</sup> The Stability Pact brochure, p. 7.

<sup>47</sup> Ibid.

<sup>48</sup> Meurs, W. and Yannis, A., "The European Union and the Balkans: from Stabilisation Process to South Eastern Enlargement", *CEPS Europa South-East Monitor*, Issue 40, November 2002, p. 4.

the applicant countries should shoulder massive reform programmes.<sup>49</sup> In this sense, “regionalism, when promoted in a general fashion as a goal in itself, can contradict the notion of European integration and it would be challenging for the success of the SP as the EU accession process is mainly state centred and bilateral.”<sup>50</sup> Therefore, the states of Western Balkans with the best accession prospects were concerned that an undifferentiated regionalism would detract them from the promise of Europeanization. In addition, the EU accession process promoted EU integration of the regional countries via its internal market, which also competed with the SP’s very logic of regional co-operation since EU markets were undoubtedly more attractive than the war torn internal market of the region.<sup>51</sup>

On the other hand, Friis and Murphy refer to the EU initiatives after the Kosovo crisis as ‘turbo - charged negotiations’ in the sense that the SAP would be regarded as an essential element of the EU’s contribution to the Stability Pact. According to this view, vice versa was also valid that an enhanced regional co-operation through the Stability Pact would qualify EU integration and membership standards.<sup>52</sup> According to Bodo Hombach, developments proved that the early worry for the rivalry between the SP and the SAP has been wrong and the SP was not rival but complementary to the strategies of the EU in the Western Balkans.<sup>53</sup> In addition, many political, social, economic and security issues such as environment, trade, migration, terrorism and organised crime are not limited within borders, and can only be successfully addressed through regional co-operation. All in all, one could say that bilateral conditionality and regional co-operation had separate strategic objectives, promoting separate but equally important dimensions for the EU integration and stability of the region.<sup>54</sup>

Nevertheless, by 2001, the SAP became the EU’s leading strategy towards the Western Balkans, which marginalized further the Stability Pact. In 2002, following appointment of Erhard Busek as a Special Coordinator, the Stability Pact was scaled down and has streamlined its priorities. As a result, the Pact was transformed into a complement to the SAP. SAP conditionality became the main EU integration vehicle, while the SP facilitated the implementation of the EU policy’s regional dimension and maintained some sort of institutional link between the Western Balkans, on the one hand, and Romania and Bulgaria, on the other.<sup>55</sup>

Nevertheless, it should be mentioned that the strongest achievement of the Stability Pact was the awareness of the states for mutual cooperation. After more than ten years of launching the Stability Pact, it seems that the countries in the region were more aware that without political and economic stability in the region none of the single countries can be stable. The will and interest to participate in the solution of the regional problems today is more present and countries in the

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<sup>49</sup> Kramer, Heinz, “The European Union in the Balkans: Another Step Towards European Integration,” *Perceptions: Journal of International Affairs*, Vol. 5, No. 3, September - November 2000, p. 6.

<sup>50</sup> European Stability Initiative (ESI) and The East West Institute, “Democracy, Security and the Future of the Stability Pact for South Eastern Europe”, April 2001, p.27. <http://www.esiweb.org> (29.08.2014).

<sup>51</sup> Meurs, W. and Yannis, A., p. 5.

<sup>52</sup> Friis, L. and Murphy, A., “The European Union and Central and Eastern Europe: Governance and Boundaries,” *Journal of Common Market Studies*, Vol. 37, Issue 2, June 1999, p. 218.

<sup>53</sup> Hombach, p. 2.

<sup>54</sup> Meurs, W. and Yannis, A., p. 5.

<sup>55</sup> Bechev, p.38.

region show greater sensitivity for the regional issues and problems.<sup>56</sup> The Pact has been formally dismissed in 2008 with the establishment of the Regional Cooperation Council (RCC), which has inherited from the Stability Pact the role of the coordinator among different regional initiatives. RCC has its headquarters in Sarajevo and currently has some 46 regional organisations operating under its umbrella.<sup>57</sup>

## **2.4. Other Regional Organizations and Initiatives**

In addition to regional organizations already mentioned in the previous sub-chapters, a plethora of regional initiatives and organizations has emerged in Balkan Peninsula since the end of the Cold War. Below we will shortly dwell on some of the most important ones dealing with a variety of fields of cooperation.

### **2.4.1. South-East Europe Cooperative Initiative (SEECI)**

SEECI is a regional initiative initiated by the USA as a support to the implementation of the Dayton Accords. SECI was established in December 1996 at the inaugural session at Geneva on the basis of "Final Points of Common EU-USA Understanding," with the purpose of developing sustainable economic strategy in the region. SECI is focused on trans-border cooperation programs and projects in the fields of development of infrastructure, trade and traffic issues, security, energy, environment and development of private sector.

All SEECI programs and projects are being implemented by experts from the member states and states supporting this Initiative with the technical support of the European Commission, UN Economic Commission for Europe (UN/ECE), World Bank, European Bank for Reconstruction and Development, European Investment Bank, World Customs Organization and, to a certain extent, Organization for Security and Cooperation in Europe (OSCE). Also, SEECI closely cooperates with the Stability Pact, Central European Initiative, Organization of the Black Sea Economic cooperation, specialized UN agencies and programs and other organizations.

The principal body within the SECI initiative is the Programme Committee comprising national coordinators of the Member Countries. The Programme Committee defines priorities of its activity on the basis of the established methods of work adopted on 29 January 1997. Currently, SECI member states are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Moldova, Macedonia, Romania, Slovenia, Serbia, Turkey and Montenegro. In addition, there are several countries and international organizations that have an observer status.<sup>58</sup> The principal SECI goals are: elimination of administrative and other obstacles with a view to increasing efficiency in the flow of goods and improved trade, identification of bottlenecks at main international traffic corridors, creation of networks and zones of energy efficiency, investing in

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<sup>56</sup> Svilanovic, Goran. "Regional Cooperation in the Western Balkans: Today and in the Future," Public Debate, Skopje, 28 November 2007. <http://www.fes.org.mk/eng/2007svilanovikeng.asp> (23.07.2014).

<sup>57</sup> For more details regarding different regional organisations operating under RCC umbrella as well as its internal structures see its official webpage <http://www.rcc.int/>.

<sup>58</sup> For more details check SECI official webpage <http://www.secinet.org>.

the promotion of networks of pipelines and their connections with the international pipelines, provision of funds for the promotion of entrepreneurship, primarily through projects of small and medium-sized enterprises, etc.

As part of the overall activities in regulating normal functioning of cross-border cooperation, collaboration in the field of combating trans-border crime was also developed within SECI. To that end, an "Agreement on Cooperation to Prevent and Combat Trans-Border Crime" was signed in Bucharest on 26 May 1999. At the same time, the "Charter on Regional SECI Centre for Fighting Trans-Border Crime" was also signed. The Agreement provides for cooperation between the member states in preventing, discovering, investigating, prosecuting and sanctioning the trans-border crime. In that context, forms of special cooperation between the bodies of the member states are envisaged (information, data exchange, protection of personal data, submission of requests, etc.). Mutual Cooperation Committee has been established as the main body for the implementation of the Agreement. In addition to the representatives of the Member Countries, the representatives of Interpol and World Customs Organization (WCO) are also included in the Committee as "permanent advisors". Each country in the Committee is represented by two officials: one representative of the customs and one of the police.

#### **2.4.2. South East European Cooperation Process (SEECP)**

South East European Cooperation Process (SEECP) was established in 1996 on the basis of a "Conference on Stability, Security and Cooperation in South Eastern Europe." SEECP was initiated in 1996 with a view of transforming South-East Europe into a region of stability, security and cooperation in line with the European integration processes and through promotion of mutual dialogue and cooperation at all levels and in all areas of common interest. The main document of the South-East Europe Cooperation Process is the Charter on Good-Neighbourly Relations, Stability, Security and Cooperation in South Eastern Europe, adopted in Bucharest in 2000. The Charter was amended at the Zagreb SEECP Summit held on 11 May 2007, in order to define the relationship between the SEECP and the Regional Cooperation Council.

SEECP brings together Albania, Bosnia and Herzegovina, Bulgaria, Republic of Macedonia, Romania, Serbia, Greece, Croatia, Turkey, Moldova and Montenegro, while Kosovo is "officially included" as a non-member.<sup>59</sup> SEECP represents a symbol of the common will of the countries of the region to improve cooperation among themselves and to bring lasting stability in South East Europe. SEECP is autonomously organized by the Balkan countries themselves and as such it is the only Balkan cooperation forum in the region. In this sense, SEECP could be mentioned as the political recipient of Balkan cooperation models of 1930s, 1950s and 1980s. Otherwise, the basic goals of regional co-operation within SEECP include the strengthening of security and the political situation, intensification of economic relations and co-operation in the areas of human resources, democracy, justice, and battle against illegal activities. Another intention of the SEECP is to enable its members to approach the European and Euro-Atlantic structures through the strengthening of good neighbourly relations and transformation of the region into an area of peace and stability.

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<sup>59</sup> For more details check SEECP official webpage <http://www.rspcsee.org>.

SEECP activities are taking place at Summits of Heads of State and Government, Meetings of Foreign Ministers, as well as at the level of Political Directors of the Foreign Ministries of this initiative's participating states. The Meetings of Troika, as a permanent coordination body, comprised of current, former and next chairing countries, are also being held. Meetings at the level of line ministries are being held as appropriate, and in order to discuss certain issues of interest for the member states. On the other hand, SEECP parliamentary dimension is taking place through cooperation within the Working Group of the SEECP parliamentary dimension, where representatives of the National Assemblies of all member states also participate. Currently Romania has taken over the SEECP Presidency for the 2013-2014 period, while Albania will preside over the SEECP in the 2014-2015 period.

### **2.4.3. The Central European Initiative (CEI)**

The Central European Initiative originates from a meeting held in Budapest in 1989 when Quadragonale was created as a joint initiative of Italy, Austria, Hungary and the Socialist Federal Republic of Yugoslavia (SFRY). Initially, this organization had an aim of overcoming the division of two European blocks by re-establishing cooperation links, among countries of different political orientations and economic structures. With its 18 current members, CEI is the largest and oldest forum of regional cooperation in Central, Eastern and South Eastern Europe. Today CEI's 18 member states include Austria, Albania, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Italy, Hungary, Macedonia, Moldova, Poland, Romania, Slovak Republic, Slovenia, Serbia, Ukraine and Montenegro.<sup>60</sup> It is clear that its membership represents a mixture of nine members of the EU and nine other non EU countries, thus making this initiative especially significant in the process of acceleration of the European integration of non-EU member states.

Consequently, the strategic goal and basis of all CEI activities is: "regional cooperation for European integration". Development of quality and functional project-oriented cooperation encourages faster adoption of EU standards, and creates preconditions for full EU integration of non-EU CEI Member States. With a view to strengthening the process of European integration of the whole region, one of the main CEI priorities is cooperation with the European Union and creation of conditions for signing a special agreement between CEI and the European Commission. Otherwise, CEI activities are mainly focused on realization of concrete cooperation projects in the region. They are being carried out on the basis of CEI Plan of Action for a certain period of time, in the following areas: economic development (climate, environment, energy, SMEs, tourism, multimodal transport, sustainable agriculture), development of human potentials (human resources, information society and media, intercultural cooperation and minorities, science and technology) and interregional cross-border cooperation. CEI focal points (experts from CEI Member States) have crucial role in selecting high quality projects.

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<sup>60</sup> For more details check CEI official webpage <http://www.cei.int>.

It should be mentioned that CEI operates under the system of the annual rotating presidency, with Hungary currently chairing the CEI and Austria to hold the presidency in 2014. Otherwise, CEI operates through various structures: Annual Meeting of the Heads of Government (CEI Summit); Annual Meeting of the Ministers of Foreign Affairs (MFA Meeting); Regular meetings of the CEI Committee of National Coordinators (CNC). The CNC, composed of representatives of Foreign Ministries of all Member States, is the body responsible for the management of CEI cooperation and the implementation of CEI programmes and projects. Meetings of CEI National Coordinators are held several times a year, while other meetings are held when needed. Parliamentary cooperation takes place within the framework of CEI Parliamentary Dimension (Parliamentary Committee and Parliamentary Assembly meetings). By obtaining the observer status in the United Nations General Assembly (in 2011), CEI significantly improved its overall prestige and strengthened its role as an integration and stabilization factor in the region and beyond.

CEI, unlike most other initiatives, has its own funds for financing or co-financing cooperation projects. In addition to the regular annual contributions of the Member States, CEI activities are financed from a special fund, the CEI Fund at the European Bank for Reconstruction and Development (EBRD), which is fully supported by Italy in the amount of approx. 2 million EUR per year, as well as from other donations of Italy and Austria, and occasionally some small donations of other CEI Member States (to support the Know-how Exchange Programme). Consequently, with strong cooperation, and financial support of the European Commission and the EBRD, the overall financial impact through the implementation of projects is much higher.

#### **2.4.4. The Adriatic Ionian Initiative (AII)**

The Adriatic-Ionic Initiative (AII) was first launched at the Ancona Conference on “Development and Security in the Adriatic and the Ionian Seas,” held in Ancona in May 2000 and attended by the Prime Ministers and Ministers of Foreign Affairs of six coastal countries (Albania, Bosnia-Herzegovina, Croatia, Greece, Italy and Slovenia). At the end of the Conference, the Ministers of Foreign Affairs adopted the “Ancona Declaration,” in the presence of the President of the European Commission, affirming the importance of regional cooperation as a tool for fostering the economic and politic stability necessary for European integration. Serbia and Montenegro joined the original six members in 2002. After the dissolution of that Union in 2006, both kept their membership in the Initiative, whose membership now stands at eight.<sup>61</sup>

The highest body of the Adriatic Ionian Initiative is the Council of Foreign Ministers which meets annually. The Committee of Senior Officials coordinates AII activities and prepares meetings of the AII Council. The Senior Officials' Committee meets as appropriate, while decisions are adopted by consensus. The AII is active in various sectors of regional cooperation, particularly through four technical round tables attended by experts coming from each member country: (1) Small and medium sized enterprises; (2) Transport and maritime cooperation; (3)

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<sup>61</sup> For more details check AII official webpage <http://www.aii-ps.org>.

Tourism, culture and inter-university cooperation; and (4) Environment and protection against fire.

The purpose of the initiative is cooperation between members situated along the Adriatic and Ionian Seas in the development and security of the entire region. It also stimulates the participating countries to exchange opinions and knowledge, define common interest, support a more intensive co-operation with the EU and other regional initiatives, strengthen the peace and security, and solidify regional stability. With the aim of developing and strengthening an integrated network of actors able to work in synergy toward the development of the Adriatic-Ionic basin, one of the Italian Presidency's priorities was to enhance AII relations with other regional organisations working in Central and South Eastern Europe, such as the Central European Initiative (CEI), as well as other organisations and regional actors working outside south eastern Europe but that share the AII's interest in regional cooperation. Strengthened collaboration has been launched with the Council of the Baltic Sea States (CBSS) based on common interests in the coastal and maritime environment. In this respect, the Italian Presidency has engaged efforts in order to establish ties for cooperation and interaction between the two organisations.

Many years after the establishment of the Adriatic-Ionian Initiative the geopolitical environment around has deeply changed. Particularly among the AII Participating Countries, Slovenia in 2004 and Croatia in 2013 entered the EU while the other Adriatic-Ionian East side coastal Countries (Albania, Bosnia and Herzegovina, Montenegro and Serbia), even if with different timeframes and conditions, are gradually approaching the EU within the Stabilization and Association Process framework, as a prelude to a future EU membership. Notwithstanding these changes, the reasons which had grounded the establishment of AII still persist, and they have even become stronger across time. Given the increased interdependence among States connected to the globalization processes and the need to provide common solution to common problems affecting the Adriatic region ask for concerted cooperation not only among regional Countries but also among regional initiatives. Cooperation has therefore gradually assumed different forms, including the establishment of partnerships involving Adriatic Ionian networks and Fora such as the Forum of the Adriatic Ionian Chambers of Commerce, the Adriatic Ionian Forum of Cities and Towns and UniAdriion (the Adriatic Ionian network of Universities).

#### **2.4.5. Organization of the Black Sea Economic Cooperation (BSEK)**

The Organization of the Black Sea Economic Cooperation was founded on 25<sup>th</sup> of June 1992, when the Heads of State and Government of eleven countries: Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey and Ukraine signed in Istanbul the Summit Declaration and the Bosphorus Statement. It came into existence as a unique and promising model of multilateral political and economic initiative aimed at fostering interaction and harmony among the member states, as well as to ensure peace, stability and prosperity encouraging friendly and good-neighbourly relations in the Black Sea region. Republic of Serbia joined the Organization as a Member State in 2004, while the following countries have the observer status with the Organization: Egypt, Austria, Belarus, Croatia, Czech Republic, France, Germany, Israel, Italy, Poland, Slovakia, Tunisia and the United States of America. The



European Union is among a number of international organizations enjoying the same status. On the other hand, Hungary, Iran, Jordan, Japan, South Korea, Montenegro, Slovenia, United Kingdom and some international organizations have the status of the BSEC sectoral dialogue partner.<sup>62</sup>

BSEC aims at maintaining the Black Sea region a stable and prosperous area through the multilateral economic cooperation among its Member States. The Organization covers the geography with an area of nearly 20 million square kilometres, including the Black Sea, the Balkan and Caucasian countries, situated on the two continents and representing a region of some 350 million people. The area of BSEC, which is rich in oil and gas, as well as other natural resources, has been one of the major transport and energy transit corridors. The foreign trade capacity among the Member States is over USD 300 billion annually. Otherwise, The BSEC Headquarters - the Permanent International Secretariat of the Organization of the Black Sea Economic Cooperation (BSEC PERMIS) - was established in March 1994 in Istanbul. In addition to its Secretariat, BSEC has another four related bodies – Parliamentary Assembly (PABSEC), Black Sea Bank for Trade and Development (BSBTD), Business Council and International Centre for Black Sea Studies (ICBSS).

The priorities of BSEC as indicated in its Charter formulate the cooperation areas as trade and economic development, banking and finance, communications, energy, transport, agriculture and agricultural industry, health and pharmaceuticals, environment protection, tourism, science and technology, the exchange of statistic data and economic information, the cooperation between customs and border authorities, fighting organized crime, drugs, illegal import of weapons and radioactive materials, terrorism and illegal emigration, the extermination of emergency consequences, small and middle business, education, institutional renewal and good governance.

#### **2.4.6. The Adriatic Charter Partnership**

The US-Adriatic Charter, an initiative in the spirit of the 1998 USA - Baltic Charter, was proposed jointly by the Presidents of Albania, Croatia, and Macedonia to President Bush at the NATO Prague Summit in November 2002, and was signed by four ministers of foreign affairs in Tirana on 2 May 2003.<sup>63</sup> The Charter as a diplomatic project had two objectives – to secure the open door NATO policy and to provide a new mechanism for the cooperation among three countries of the Balkans to achieve their common goal – a continuation of trilateral defence cooperation and NATO admission.<sup>64</sup> At the first meeting of the Partnership Commission, held on November 14, 2003 in Washington, the Albanian side proposed an "Action Plan" and the Macedonian the "Plan of Cooperation in the area of defence for 2004", which both harmonize concrete activities in the defence sector: the creation of a regional Centre for peace operations in Krivolak, joint military exercises within the territory of the signatories, preparation of joint units for peace support operations and peacekeeping missions, consultations on security and defence policy, exchange of military training elements, military-technical cooperation and arms control.

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<sup>62</sup> For more details check BSEK official webpage <http://www.bsec-organization.org>.

<sup>63</sup> As signatories of the Adriatic Charter, Albania, Croatia and Macedonia were often referred as the A-3 countries.

<sup>64</sup> Grdesic, Ivan, "US-Adriatic Charter of Partnership: Securing the NATO Open Door Policy," *Politička misao*, Vol. XLI, No. 5, 2004, p. 104.



At the Partnership Commission meeting held in Skopje in March 2004, a new Action Plan for cooperation has been agreed, anticipating conference meetings about public diplomacy involving the chairmen of parliamentary foreign policy committees, defence ministers, political directors of foreign ministries and NATO experts, as well as meetings of the prevention of proliferation of weapons of mass destruction. In each of these meetings experience on defence reforms has been exchanged and discussed, as well as issues related to legislative procedure and intensified joint consultations took place with regional countries – NATO members (Italy, Slovenia, Hungary, Romania, Bulgaria, Greece and Turkey).<sup>65</sup> On 4<sup>th</sup> of December 2008, Montenegro and Bosnia and Herzegovina joined the Adriatic Charter during the OSCE ministerial meeting in Helsinki, and afterwards these five member countries were often referred as A-5 countries. In addition, Serbia has attended the conferences of the Charter in the status of observer at the ministerial level and the level of Chiefs of General Staffs.

In its part about Euro-Atlantic integration, the Charter reveals a clear aim of the three countries to achieve "full integration into European and trans-Atlantic economic, security and defence institutions", because they believe that Europe cannot be "free until Southeast Europe is made safe". Such joint expectations are backed by the view that the US "endorses the aspirations and efforts of Albania, Croatia and Macedonia to be integrated", albeit with a condition that this will occur only when they "become capable of assuming responsibility for membership and become ready to defend democratic values protected by the Alliance itself".<sup>66</sup> Adriatic Charter partnership has created an institutional framework that has helped raise the visibility of the region and created a mechanism for direct US government involvement in its issues as these three countries work together on implementation and activities. The fresh life in this partnership has renewed these countries' determination to achieve full integration into the Euro-Atlantic community. It has provided a new vehicle for these nations as modern twenty-first-century Europeans to put into practice their sincere belief that civil discourse and peaceful means can resolve any of their differences.<sup>67</sup>

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<sup>65</sup> Ničić, Blagoje, "The Adriatic Charter – Cooperation, Integration, Stability," Centre for Civil-Military Relations, Belgrade, 02 February 2005, p.1.

<sup>66</sup> Adriatic Charter, State Department press release on the Adriatic Charter signed by the United States, Albania, Croatia and Macedonia, Tirana, 02 May 2003.

<http://www.uspolicy.be/Article.asp?ID=7E0CDD76-790B-4031-978A-AB198EA78CCA> (14.07.2014)

<sup>67</sup> Tarifa, Fatos, "The Adriatic Europe: Albania, Croatia, and Macedonia," *Mediterranean Quarterly*, Vol. 16, No.4, Fall 2005, crp. 17.

### 3. KOSOVO'S PATH TOWARDS REGIONAL PARTICIPATION

#### 3.1. Membership under UNMIK Administration

##### INTRODUCTION

The collapse of former Yugoslavia was followed by bloody wars in Croatia, Bosnia and Herzegovina and Kosovo respectively. Throughout the 1990s Kosovo literally had no regional participation since its autonomy was abolished and the majority of its Albanian population lived in a *de facto* apartheid. The entire structure of regional administration was dismantled, and practically overnight Albanians were dismissed from their jobs, denied education in their own language, and exposed to a massive abuse of their human rights and civil liberties.<sup>68</sup> As Maliqi points out, Kosovo became a *de facto* Serbian colony where 90 per cent of its population (the Albanians) were ruled by less than 10 per cent (the Serbs).<sup>69</sup>

For Albanians in Kosovo it was clear that life under Serbian rule had become impossible, therefore led by Ibrahim Rugova, they engaged in a non-violent campaign to win their right to self-determination.<sup>70</sup> However, this policy of non-violence was not rewarded by the international community. With the single most important message of Dayton being that the international community understood only the language of armed conflict, from 1997 the violence in Kosovo increased significantly. The influx of small weapons into Kosovo following violent social unrest in Albania, combined with a complete breakdown of law and order, helped the emergence of the (KLA), a secret guerrilla force that followed a strategy of attacks on police stations and assassinations of Serbian officials, police officers, and Albanian collaborators with the Serbian regime.<sup>71</sup> The Serbian authorities reacted with police raids, political trials and extreme brutality. Between March and October 1998 almost 2,000 Albanians were killed, many houses, shops, and schools were destroyed, and almost 400,000 Albanian civilians were forced to leave their homes.<sup>72</sup>

Witnessing the flow of refugees into neighbouring countries, and fearing a spillover from the Kosovo war, the international community scheduled negotiations in February at Chateau Rambouillet in France. In the face of continuing Serb violence and only with Albanians having signed the peace deal, in the early hours of 24 March 1999, NATO launched the first air strikes against targets in Kosovo, and later in Serbia. After 78 days of continuous NATO air campaign against Federal Republic of Yugoslavia (FRY), on 10 June 1999, when under the increasing

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<sup>68</sup> The abrogation of Kosovo's autonomy was followed by a series of legal acts, valid only on the territory of Kosovo, which deprived Kosovo Albanians of many basic human rights. They included the Act on Labour Relations under Special Circumstances, the Education Act, and the Act Restricting Real Estate Transactions. As a result, of 170,000 Albanians employed in the public sector, 115,000 were dismissed. The Education Act virtually expelled almost half a million young Albanians from the state education system; see Muhamedin Kullashi, "Kosovo and Disintegration of Yugoslavia," in Dusan Janjic and Shkelzen Maliqi, eds. *Conflict or Dialogue: Serbian-Albanian Relations and Integration of the Balkans*, Subotica: Open University, 1994, p. 183.

<sup>69</sup> Maliqi, Shkelzen, *Kosovo: Separate Worlds*. Prishtina: Dukagjini, 1998, p. 43.

<sup>70</sup> Demjaha, "Kosovo: A perspective from inside," p. 33.

<sup>71</sup> Calic, p. 28.

<sup>72</sup> See for instance several October 1998 issues of the Kosovo daily newspaper in Albanian, *Koha Ditore*, and reports from the UNHCR office in Prishtina issued during this period.

threat of the deployment of ground troops that the Yugoslav Army representatives and NATO signed the Military-Technical Agreement on the withdrawal of the Yugoslav troops from Kosovo, which ended the war.<sup>73</sup>

On the basis of Resolution 1244 of 10 June 1999 and the report of the Secretary-General of 12 June (S/1999/672), the NATO-led Kosovo Force (KFOR) established its presence in the war-torn province. On the other hand, on the basis of the same Resolution, the United Nations Mission in Kosovo (UNMIK) that aimed to administer Kosovo without prejudging its external status was also established.<sup>74</sup> For the first time in history, the UN was given an unprecedented mandate, both in scope and structural complexity, to replace the role of the state. Resolution 1244 gave rise to UNMIK, and called upon it to: perform basic civilian administrative functions, promote the establishment of substantial autonomy and self-government in Kosovo, facilitate a political process to determine Kosovo's future status, coordinate humanitarian and disaster relief of all international agencies, support the reconstruction of key infrastructure, maintain civil law and order, promote human rights and assure the safe and unimpeded return of all refugees and displaced persons to their home in Kosovo.<sup>75</sup> All in all, in terms of scope and ambition, UNMIK's mandate was almost unprecedented by the standards of UN field operations. Not only was it empowered to assume full interim administrative responsibility over the territory of Kosovo, it was also given a central political role in setting the conflict.<sup>76</sup>

Under the UNMIK structure, the operational framework has been divided into four pillars led by various international agencies that for the first time act as part of a government and enjoy a high degree of autonomy in creating and implementing policy. The humanitarian pillar led by the UNHCR, was phased out in June 2000. After reorganization in May 2001, Pillars One and Two comprising civil administration, police, and justice were run directly by UNMIK, while economic reconstruction was under the jurisdiction of the EU and institution building assigned to the OSCE. At the top of UNMIK was the Special Representative of the Secretary General, who was always known as the SRSG.<sup>77</sup>

### **3.2. Regional participation under UNMIK**

In addition to all the above mentioned responsibilities, within its mandate to advance regional stability in the Western Balkans, UNMIK also engaged in bilateral relations and regional participation on behalf of Kosovo. Among others, this was also in line with the EU's objective to ensure that Kosovo becomes a reliable partner, progressing together with the rest of the region towards the EU. Consequently, key elements that UNMIK was trying to achieve were the creation of democratic and multi-ethnic Kosovo with a sound basis for economic development and greater integration in the region. Beginning with the first half of 2000, UNMIK initially engaged in developing Kosovo's bilateral relations within the region. First steps included

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<sup>73</sup> Benson, p. 177.

<sup>74</sup> "Administration and Governance in Kosovo: Lesson learned and lessons to be learned," Pristina-Geneva: Kosovar Institute for Policy Research and Development, June 2005, p. 1.

<sup>75</sup> United Nations Security Council, Resolution 1244, 1999.

<sup>76</sup> Yannis, Alexandros, "The UN as Government in Kosovo," *Global Governance* 10, 2004, p. 67.

<sup>77</sup> Judah, p. 94.

agreements on development of economic relations and police co-operation with neighbouring countries such as Macedonia<sup>78</sup> and Albania.<sup>79</sup> This was followed by meetings and agreements with Slovenia,<sup>80</sup> Bosnia and Herzegovina,<sup>81</sup> Turkey<sup>82</sup> and Croatia.<sup>83</sup> As part of the process of transferring responsibilities, since 2004 the representatives of the Provisional Institutions of Self-Government (PISG) of Kosovo started to participate alongside with UNMIK in the meetings, negotiations, and in conclusion of these agreements with some of the countries.<sup>84</sup>

Later on, since 2004, UNMIK signed a number of international agreements as well as regional initiatives on behalf of Kosovo, such as Energy Community Treaty, European Common Aviation Area Agreement, South East Europe Transport Observatory, CEFTA, and most importantly Regional Cooperation Council.<sup>85</sup> UNMIK also concluded agreements with the regional human rights treaty body monitoring mechanisms of the Council of Europe in 2004, i. e. the Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment (CPT) and Advisory Committee on the Framework Convention on the Protection of Minorities (ACFC).<sup>86</sup> By doing so, UNMIK automatically took over and fulfilled its obligation thereunder on behalf of Kosovo. This was made possible due to the inability of Serbia as signatory to these treaties to fulfil its obligations related to Kosovo. Within its mandate, UNMIK representatives regularly participated in all these regional organizations trying to bring Kosovo close to the region both politically and economically. However, several open issues between the countries in the region have seriously hindered meaningful political and security regional cooperation. Consequently, regional cooperation for all countries in the region in general and for Kosovo/UNMIK in particular turned out to be more viable in economic fields than the politic and security ones.

In this direction, free trade among countries in the region certainly looked as a promising one. This comes as no surprise since the entire Western Balkans has a population of about 23 millions that is scattered in seven small countries. In the past, every time goods were conveyed across borders troublesome procedures were repeated, requiring a long time and a great deal of costs and harassing the people concerned. The creation of a single market aimed not only to facilitate free trade among countries in the region, but also to increase the overall attractiveness of the

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<sup>78</sup> See for instance “Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo,” UN Doc. S/2000/218, 13 March 2001, 13, para.61; also see the SRSG meeting with Albanian high officials, UN Docs. S/2001/218, 13 March 2001, 13, para.61 and S/2001/565, 7 June 2001, 3 and 4, para.10.

<sup>79</sup> Meeting of the SRSG with Macedonian authorities, *ibid.* and UN Doc. S/2002/436, 22 April 2002, 9, para.46.

<sup>80</sup> Memorandum of Understanding on Mutual Recognition of Vehicle Insurance, see UN Doc. S/2002/1126, 9 October 2002, 9, para.46.

<sup>81</sup> Free Trade Agreement, UN Doc. S/2006/906, 20 November 2006, 6, para.20.

<sup>82</sup> Investment Protection Agreement, UN Doc. S/2006/361, 5 June 2006, 5, para.12.

<sup>83</sup> Free Trade Agreement, UN Doc. S/2006/906, (20 November 2006, 6, para.20.

<sup>84</sup> With Albania and Macedonia, UN Doc. S/2004/613, 30 July 2004, 14, para.50; also when negotiating free trade agreement with Macedonia, UN Doc. S/2005/88, 14 February 2005, 18 and 19, para. 73.

<sup>85</sup> Papic, Tatjana, “Fighting for a Seat at the Table: International Representation of Kosovo,” *Chinese Journal of International Law* (2013), p. 551.

<sup>86</sup> See Agreement between UNMIK and the Council of Europe on technical arrangements related to the Framework Convention for the Protection of National Minorities of 23 August 2004; available at [www.coe.int/t/dghl/monitoring/minorities/6\\_Resources/PDF\\_Agreement\\_UNMIK\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/6_Resources/PDF_Agreement_UNMIK_en.pdf) (22.08.2014) and Agreement between UNMIK and the Council of Europe on technical arrangements related to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 23 August 2004; available at [www.cpt.coe.int/documents/srb/2004-08-23-eng.pdf](http://www.cpt.coe.int/documents/srb/2004-08-23-eng.pdf) (22.08.2014).

Western Balkans as a market as well as an object of investments. Consequently, with the support by the EU, in April 2006 the member countries of CEFTA at that time and countries of the Western Balkans agreed on the reorganization of CEFTA. Its existing rule on membership required that member countries should be at the same time WTO member countries and that they should have SAA with the EU. By this agreement, the rule on membership was revised in favour of countries which did not satisfy these requirements at that time (Serbia, Montenegro, Albania, Bosnia and Herzegovina, Kosovo/ UNMIK and Moldova).

The modified CEFTA (called CEFTA – 2006), a new framework for multilateral free trade agreement which included the Western Balkan countries and Moldova, and replaced previous bilateral free trade agreements, came into effect in July 2007 when Kosovo also became part of CEFTA agreement. The accession agreement was signed on behalf of Kosovo by UNMIK, with the given authority to represent Kosovo in foreign affairs. Main objectives of this Agreement were, inter alia, to expand trade in goods and services and foster investment by means of fair, stable and predictable rules, eliminate barriers to trade between the Parties, provide appropriate protection of intellectual property rights in accordance with international standards and harmonize provisions on modern trade policy issues such as competition rules and state aid. It also included clear and effective procedures for dispute settlement and facilitated the gradual establishment of the EU-Western Balkan countries zone of diagonal of origin, as envisaged in the European Commission's Communication of 27 January 2006.<sup>87</sup> As a result, foreign trade among member countries gradually increased and the CEFTA created a mood of public opinion in favour of the economic integration that was inconceivable in the 1990s.<sup>88</sup>

On the other hand, cooperation in the energy sector counts, as noted in the Commission's communication of January 2005 as one of the most encouraging developments, despite the fact that the process attracted less media attention than trade integration and that the regional public is hence less aware of it. Building on the signed Memoranda of Understanding 2002 and 2003 (the 'Athens' Memoranda), the Energy Community Treaty was signed in October 2005 between the EU and nine partners from the region (Bulgaria, Romania, Croatia, BiH, Serbia, Montenegro, Albania, Kosovo - UNMIK and Macedonia).<sup>89</sup> The Treaty, which entered into force in July 2006, creates the legal framework for a regionally integrated energy market for electricity and natural gas networks and for integration of that market into the wider EU market. In practice, this means that the SEE countries will have to establish compatible national electricity and gas models in line with relevant EU directives (electricity, gas, environmental impact assessment, reduction of sulphur content of fuels and large combustion plants) and secondary legislation. At the same time, it aims to establish common rules for generation, transmission and distribution of electricity and gas, as well as to establish state-level national energy authorities, regulators and transmission system operators together with compatible state and regional electricity and natural gas market action plans and to open up the markets in line with EU commitments but with a

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<sup>87</sup> For more details see <http://www.cefta.int>.

<sup>88</sup> Koyama, Yoji. "A Thorny Path of Economic Recovery: Case of Macedonia," *Portal on Central Eastern and Balkan Europe*, University of Bologna, No. 14, August 2011, pp. 18-19.  
[www.pecob.eu/flex/cm/pages/...php/L/.../BLOB%3AID%3D3177](http://www.pecob.eu/flex/cm/pages/...php/L/.../BLOB%3AID%3D3177) (27.08.2014)

<sup>89</sup> "The Western Balkans on the road to the EU: Consolidating stability and raising prosperity," Communication from the Commission, COM (2006) 27 final, Brussels, 27.01.2006, p. 12.

suitable transition period. Modelled on the European Coal and Steel Community Treaty that was the basis for the EU, the exercise is supposed to be mutually beneficial – the EU will benefit from greater security for the supply of gas and power transiting these countries, while the non-EU countries' energy markets will operate more efficiently by applying EU rules. Furthermore, their consumers will benefit from more competitive markets and the targeting of subsidies where they are most needed.<sup>90</sup>

Another important dimension in terms of Kosovo/UNMIK regional participation was certainly transport infrastructure since it represented a cornerstone for economic development. It should be mentioned though, that the quality of roads and railways has seriously deteriorated in the course of post-communist transition and the conflicts in the region. Not only was Western Balkans more distanced from the core of the EU than the Central European and the Baltic countries, but on the average the quality of physical connections was lower too.<sup>91</sup> For Kosovo, being landlocked and without river transportation possibilities, road and railway routes represent the only viable option for fast transfer of goods to nearby ports of Durres and Thessaloniki, as well as to the rest of Europe. Therefore, despite certain delays, it was encouraging that much of the EU effort regarding transport infrastructure in the 2000s concentrated on the Western Balkans. In October 2001, the European Commission released a paper on road infrastructure identifying basic policies, guidelines and principles. Moreover, there have been ongoing efforts to further institutionalize regional cooperation regarding transportation. In the first half of 2008, the Slovenian Presidency of the EU Council initiated proposals for the establishment of a Transport Community in the Western Balkans, an entity modelled on the pre-existing Energy Community.<sup>92</sup>

Aiming to improve Kosovo's transportation capabilities, UNMIK has on 11<sup>th</sup> of June 2004 together with the Governments of Albania, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro and Serbia, and the European Commission signed the Memorandum of Understanding for the development of the Core Regional Transport Network that led to the establishment of the regional transport organization South East Europe Transport Observatory (SEETO). The main aim of SEETO was to promote cooperation on the development of the main and ancillary infrastructure on the multimodal SEETO Comprehensive Network and to enhance local capacity for the implementation of investment programmes as well as data collection and analysis on the SEETO Comprehensive Network.<sup>93</sup> Consequently, four main objectives of the SEETO cooperation are: (1) Develop the SEETO Comprehensive Network; (2) Improve and harmonise regional transport policies and technical standards for the SEETO Comprehensive Network development; (3) Maintain an effective coordination and communication network; and (4) Integrate the SEETO Comprehensive Network in the framework of the wider Trans European Network.

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<sup>90</sup> Moldova, Norway, Turkey and Ukraine joined the Energy Community as observers at the first meeting of the Energy Ministers after the entry into force of the treaty; for more details see Delevic, Milica. *Regional Cooperation in the Western Balkans*, Chaillot Paper No. 104, July 2007, Institute for Security Studies, pp. 65-66.

<sup>91</sup> Bechev, 2011, p. 27.

<sup>92</sup> For a detailed discussion on regional initiatives and projects regarding transport infrastructure see Bechev, 2011, pp. 96-100.

<sup>93</sup> For more details see the official SEETO web page at <http://www.seetoint.org>.

Nevertheless, the most important participation of Kosovo under UNMIK in terms of regional cooperation was undoubtedly the one in Regional Cooperation Council. As already mentioned, RCC has on February 27<sup>th</sup>, 2008 inherited from the Stability Pact the role of the coordinator among different regional initiatives, with its main feature being a regionally owned organization. Currently, the Council supports regional cooperation in South East Europe, promotes the region's EU and Euro-Atlantic integration and provides operational backup for the South-East European Cooperation Process (SEEC) through its secretariat. Its six main focus areas are: (1) *Economic and Social Development*: regional trade and investment, particularly application of the Central European Free Trade Agreement of 2006 (CEFTA), and of the regional investment framework, in coordination with the private sector and in association with adequate social policies; (2) *Infrastructure*: transport, especially the main corridors, energy, the environment, and aerospace and IT technologies; (3) *Justice and Home Affairs*: principally the struggle against organised crime and corruption, including support for strengthened cooperation through the SECI, and the Regional Centre for Combating Transborder Crime and Europol; (4) *Security Cooperation*: security reforms, military conversion, light weapons control and strengthening of civilian control of the armed forces; (5) *Boosting Human Capital*: education, research and science, strengthening administrative capabilities in these sectors; and (6) *Parliamentary Cooperation* as a transversal theme in the support of cooperation in all the above-mentioned areas. The Regional Cooperation Council also cooperates with other organisations and initiatives operating in South East Europe, including the Central European Initiative (CEI), with which it began negotiations in early 2009 on a memorandum of understanding to strengthen mutual collaboration, and with the Adriatic Ionian Initiative (AII).

In cooperation and coordination with other countries in the region, Regional Cooperation Council also engaged in helping countries in the region overcome their bilateral disputes. Among others, this was in large because the RCC provided technical expertise and was not as politicized as other regional bodies, namely the SEEC. UNMIK was actively engaged in RCC's different activities especially in projects regarding energy and environment where Kosovo was considered to be of key importance in the region. However, UNMIK's engagement had to be in accordance with the administrative procedures that Kosovo's participation only occurred with UNMIK in accordance with UNSC Resolution 1244. While in its mandate, UNMIK was obliged to gradually transfer its competencies to Provisional Institutions of Self-Government (PISG) of Kosovo, UNMIK did little to ensure smooth transition of Kosovo's own representation in RCC. As we will see in the following sub-chapter, once Kosovo declared its independence in February 2008, it faced tremendous difficulties to engage on its own in regional cooperation in general and within RCC in particular.

### **3.3. Participation after Independence**

#### **INTRODUCTION**

As already mentioned, since June 1999 Kosovo was administered by UNMIK that was established by the Secretary General of the UN under the authority of Security Council Resolution 1244. UNMIK was headed by a Special Representative of the Secretary General (SRSG) and it had all legislative and executive powers, including the administration of the



judiciary.<sup>94</sup> However, while UNSCR 1244 assigned ultimate responsibility for Kosovo to the UN administration, it also required that the UN develop “provisional institutions for democratic and autonomous self-government” and “facilitate a political process designed to determine Kosovo’s future status, taking into account the Rambouillet accords.”<sup>95</sup> On the other hand, according to the Rambouillet accords, after three years “an international meeting shall be convened to determine the mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities ... and the Helsinki Final Act.”<sup>96</sup>

Consequently, on 1 November 2005, the former Finnish President Martti Ahtisaari was appointed as the UN Special Envoy to lead the negotiation process. After 15 rounds of hard negotiations between Prishtina and Belgrade, President Ahtisaari put forward his proposal about the future status of Kosovo.<sup>97</sup> However, such proposal was vehemently opposed by both Serbia and Russia, with the latter vetoing a possible resolution at the Security Council. Without further action in the U.N. Security Council, Kosovo’s authorities prepared to make a declaration of independence in early 2008 as part of a process closely coordinated with the international community. On 17 February 2008, the Kosovo assembly adopted a declaration of independence “in full accordance with the recommendations of U.N. Special Envoy Martti Ahtisaari.” It declared Kosovo to be a democratic, secular, and multi-ethnic republic and fully accepted the obligations for Kosovo under the Ahtisaari plan. Accordingly, among newly independent Kosovo’s first acts was acceptance of an EU rule-of-law mission (known as EULEX) to provide support and oversight in the security and judicial sectors, and an International Civilian Representative who would oversee the implementation of the Ahtisaari plan and act as the EU’s Special Representative in Kosovo. Both EULEX and the special representative possess a range of executive powers, though in neither case do these reach the level of authority that UNMIK and its chief have enjoyed earlier.<sup>98</sup>

After the declaration of independence, Kosovo’s government embarked into a difficult task of obtaining international recognition and building institutions of the country. From the beginning Kosovo has declared Euro-Atlantic integration as one of its most important strategic priorities. Therefore, it comes as no surprise that along with that, regional cooperation and good neighbourhood relations were stated as one of country’s foreign policy aims. Namely in its strategic objectives, the Ministry of Foreign Affairs states that “Kosovo Republic foreign policy aims to develop inter-regional cooperation, respectively good relations with neighbouring states, also gives help to realization of Brussels agenda for a stable, democratic region and integrated in the EU and NATO.”<sup>99</sup> Moreover, it made clear that development of relations on the basis of good neighbourhood and cooperation with regional countries, especially with the Western

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<sup>94</sup> Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/1999/779, 12 July 1999.

<sup>95</sup> United Nations Security Council, Resolution 1244, S/1999/672, 12 June 1999.

<sup>96</sup> “Rambouille Accords,” in *Koha Ditore*, Prishtina, 2 March 1999, p. 3.

<sup>97</sup> United Nations, “Report of the Special Envoy of the Secretary-General on Kosovo’s Future Status,” S/2007/168, 26 March 2007.

<sup>98</sup> Tansey, Oisín, “Kosovo: Independence and Tutelage,” *Journal of Democracy*, Vol. 20, No. 2, April 2009, p. 159.

<sup>99</sup> Ministry of Foreign Affairs of Kosovo, “The Foreign Policy Objectives,” Prishtina, Kosovo; available at <http://www.mfa-ks.net/repository/docs/Kosovoforeignobjectives.pdf> (25.08.2014).



Balkans countries represents one of priority requirements for the Stabilization and Association Process with the EU.<sup>100</sup>

Nevertheless, Kosovo's participation in different regional organizations and initiatives turned out to be rather difficult, mainly due to enormous opposition by Serbia and non-recognition of its independence by different countries including regional ones. In addition, because Kosovo's independence was not backed with a new resolution<sup>101</sup> of the United Nations Security Council, Kosovo's institutions created after the declaration of independence could not be successors of UNMIK institutions. Consequently, Kosovo was not able to have a unified method of representation in regional and international Bodies, and was therefore in some regional bodies represented as an independent state, in others by UNMIK or EULEX, and often in some combination of the above.<sup>102</sup> In this context, modalities of regional representation of Kosovo became quite controversial, due to the opposing attitudes of Serbia and Kosovo regarding this issue. Kosovo authorities were arguing that they should be the one to represent Kosovo and not UNMIK's representatives. On the contrary, Serbia insisted that is only UNMIK that should represent Kosovo and refused to participate in the meetings to which representatives of Kosovo were also invited.<sup>103</sup> As expected, Serbia's position regarding joint participation in the meetings with Kosovo representative was more rigid immediately after Kosovo's declaration of independence. During this period, Serbian representatives were leaving all meetings in which Kosovo representatives were present as part of UNMIK delegation and were eventually given the floor by UNMIK. For instance, Serbia has announced that it will not participate in any RCC action where Kosovo tries to act as sovereign state instead of being under the tutelage of the UN Interim Administration Mission in Kosovo (UNMIK). On the other hand, Kosovo was also one of the central issues at the SEECP summit in Pomorje (Bulgaria) on 20<sup>th</sup> of May 2008. The Serbian Foreign Minister Vuk Jeremić blocked the Albanian representative Skender Hyseni from addressing the meeting as chief of Kosovo's diplomacy insisting that an UNMIK official should speak instead. During the entire meeting Serbia insisted on not mentioning Kosovo at all in the document although Albania insisted on the opposite.<sup>104</sup> Thus, due to the opposition of Serbia, Kosovo's independence has changed the patterns of regional cooperation and has initially made Prishtina's participation in regional cooperation in the Western Balkans a much bigger challenge than during UNMIK's tenure.

It should be mentioned that Kosovo's regional participation was closely linked with its success in gaining recognition for its independence. The fact that in addition to Serbia, Bosnia and Herzegovina also has not recognized Kosovo, further hampers Kosovo's integration in the region. On the other hand, although the EU has constantly insisted on Kosovo's inclusion in regional organizations and initiatives, Union's position has been seriously hindered by the fact

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<sup>100</sup> Ibid.

<sup>101</sup> Resolution that would replace the existing Security Council Resolution 1244.

<sup>102</sup> Emini, Donika, "Kosovo's Membership and Representation in Regional Security Initiatives," Kosovar Center for Security Studies, September 2014, p. 10.

<sup>103</sup> Papić, "Fighting for a Seat at the Table: International Representation of Kosovo," *Chinese Journal of International Law* (2013), 12 (3), p. 557.

<sup>104</sup> Altmann, Franz-Lothar, "Kosovo's Independence: The Consequences for EU Integration Policy," in *Cutting or Tightening the Gordian Knot?*, Proceedings of the 16th Workshop of the Study Group "Regional Stability in South East Europe," October 2009, p. 118.

that five of its member states have also not recognized Kosovo yet.<sup>105</sup> Being aware that the Serbian blockage of Kosovo can seriously jeopardize any meaningful regional cooperation in SEE, the EU has insisted on a dialogue between Kosovo and Serbia. On the other hand, Serbia's rejection for joint participation at international meetings with Kosovo representatives also created a major challenge for its EU integration process which, as already mentioned, required inclusive and functional regional co-operation and good neighbourly relations. In its opinion on Serbia's application for membership to the EU, the European Commission stated that achieving progress in this respect is a priority for Serbia.<sup>106</sup> It was clear that in order to become a candidate country for EU membership, Serbia needed to collaborate in finding a solution for Kosovo's regional representation. Thus, prospect of candidacy became a major incentive for Serbia to engage in finding a solution that would allow both Belgrade and Prishtina to develop functional regional co-operation.<sup>107</sup> Consequently, Following the UN General Assembly Resolution 64/29 of September 2010 the EU has facilitated a dialogue between Prishtina and Belgrade. According to the Resolution, the General Assembly "welcomes the readiness of the European Union to facilitate a process of dialogue between the parties; the process of dialogue in itself would be a factor for peace, security and stability in the region, and that dialogue would be to promote co-operation, achieve progress on the path to the European Union and improve the lives of the people."<sup>108</sup>

Since March 2011, under the auspices of the EU seven rounds of negotiations between the two countries have taken place focusing on three main issues: (1) Regional cooperation; (2) Freedom of movement; and (3) Rule of law. During these negotiations, the parties have reached agreement on free movement of persons, customs stamps, recognition of university diplomas, cadastre records, civil registries, Integrated Border Management (IBM).<sup>109</sup> On 23<sup>rd</sup> of February 2012 meeting of the European Union-facilitated dialogue in Brussels Kosovo and Serbia have reached an agreement on Arrangements Regarding Regional Representation and Cooperation (ARRRC). According to this agreement, Kosovo will participate on its own account and speak for itself at all intergovernmental regional meetings, as an equal partner with all other participating States. This bilateral agreement also foresees that Kosovo will sign new agreements and join new intergovernmental international organizations.<sup>110</sup> The agreement was meant as an interim solution for denomination and representation of Kosovo in the regional context, covering regional meetings and institutional forms of regional cooperation, and existing and future agreements.<sup>111</sup> It was hoped that successful application of provisions of this agreement will ensure increased participation of Kosovo in different regional initiatives and organizations.

<sup>105</sup> Cyprus, Greece, Romania, Slovakia and Spain.

<sup>106</sup> European Commission, "Serbia Progress Report 2011," Brussels: European Commission, Commission Staff Working Paper, 12 October 2011.

<sup>107</sup> Papić, 2013, p. 560

<sup>108</sup> UN Doc. A/RES/64/298, 9 September 2010.

<sup>109</sup> Curri, Fatimir and Loshi, Mimika, "Monitoring Regional Cooperation in South East Europe: Country Report – Kosovo," in Stefan Dehnert and Dane Taleski (eds.) *Monitoring Regional Cooperation in South East Europe*, Berlin: Friedrich Ebert Stiftung, 2013, p. 74.

<sup>110</sup> According to this agreement 'Kosovo\*' will be the only denomination to be used within the framework of regional cooperation. The footnote to be applied to the asterisk will read "This designation is without prejudice to positions on status, and is in line with UUNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence." See "Arrangements Regarding Regional Representation and Cooperation," Brussels, Rev10 RC 23/02/2012.

<sup>111</sup> Ibid., point 11.

However, as we will see in the following sub-chapter, even with the agreement in place, integration of Kosovo in different regional fora remained a serious challenge.

### 3.4. Current Status of Kosovo's participation in Regional Organizations and Initiatives

Encouraged by the agreement on Kosovo's Regional Representation and Cooperation, Kosovo has taken bold action to ensure its full participation in different regional organizations and initiatives. Consequently, under the leadership of its Ministry of Foreign Affairs, Kosovo began approaching different regional organizations and asking for a full membership as a sovereign state.<sup>112</sup> Kosovo's membership and representation in regional initiatives now became a top priority for Kosovo government in order to show commitment and achievements against its electorate. In addition, representation and membership in regional organizations of Kosovo became heavily spoken media topic. Clearly, political elites saw regional cooperation as an important way in convincing the electorate about international recognition of Kosovo's statehood.<sup>113</sup> It was clear that Kosovo was not willing to be represented by UNMIK forever, but was insisting to participate under its own sovereign terms that were already recognized by the majority of its neighbours.<sup>114</sup>

However, despite high expectations on behalf of Kosovar authorities, the process of integration of Kosovo in different regional organizations and initiatives was far from smooth. To begin with, the agreement on Kosovo's Regional Representation and Cooperation was prone to different interpretations by the governments of Serbia and Kosovo. Namely, the governments of the two countries have received different interpretations on the implementation of the asterisk agreement. Kosovo, was told that it would be represented only by the asterisk in the nameplates, while the footnote would be mentioned only in written documents. Serbia, on the other hand, was told that in every regional organization, Kosovo would be represented by both the asterisk and the footnote reading the text.<sup>115</sup> Moreover, different regional organizations received the Brussels "*conclusions*" without guidance on how to implement them, thus leaving it subject to interpretation for all parties.<sup>116</sup> Depending on the presence or the absence of the footnote either Belgrade or Prishtina has been frustrated whenever its interpretation of the agreement has not been respected and has responded by either walking out of the meeting or boycotting it altogether. These mutually exclusive interpretations have therefore hampered the ability of Prishtina and Belgrade to participate in the same regional forums, while at the same time signalling some inherent shortcomings in the mechanisms to ensure implementation of agreements.<sup>117</sup>

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<sup>112</sup> The author has personally been involved in this process while working as an Advisor to the Ministry of Foreign Affairs as part of the UNDP/KFOS "Capacity Development Facility" project funded by the Norwegian Government during the period July 2011 – July 2012.

<sup>113</sup> Curri and Loshi, 2013, p. 74.

<sup>114</sup> Altmann, 2009, p. 119.

<sup>115</sup> See "Misunderstandings mire Kosovo representation agreement," SETimes.com, March 16<sup>th</sup>, 2012, [www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2012/03/16/feature-02](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/03/16/feature-02) (16.09.2014).

<sup>116</sup> Later, based on the two governments' websites, it turned out that the famous Brussels »conclusions« even had different versions; see Curri and Loshi, 2013, p. 75.

<sup>117</sup> "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo," UN Doc. S/2012/275, April 27<sup>th</sup>, 2012, 4, para.14.

Moreover, the Government of Serbia adopted an instruction according to which the nameplate needed to be “Kosovo\*” followed by the text agreed upon in the ARRRC, and that there should be no display of symbols of the “Republic of Kosovo”. In case representatives of Serbia failed to secure these conditions with the host of a meeting, they were to walk out of the meeting. Clearly, such instruction not only offered an interpretation of the ARRRC that was at odds with the provisions of that agreement but also raised serious doubts as to good faith of Serbia in the application of the ARRRC.

As a result, despite the agreement, Kosovo was still unable to achieve full representation in majority of regional organizations. Contrary to the agreement, Serbia continuously blocked or boycotted regional meetings where Kosovo has been invited as a partner. Moreover, the Government of Serbia adopted an instruction according to which the nameplate needed to be “Kosovo\*” followed by the text agreed upon in the ARRRC, and that there should be no display of symbols of the “Republic of Kosovo”. In case representatives of Serbia failed to secure these conditions with the host of a meeting, they were to walk out of the meeting. Clearly, not only was the interpretation of the ARRRC offered by such instruction at odds with the provisions of the agreement, but this also raised serious doubts as to good faith of Serbia in the application of the ARRRC.<sup>118</sup> Below, we will analyse Kosovo’s concrete achievements in terms of regional participation in certain most important regional organizations and initiatives.

### **3.4.1. Regional Cooperation Council (RCC)**

As it was already mentioned, Regional Cooperation Council has in 2008 inherited from the Stability Pact the role of the coordinator among different regional initiatives. From the very beginning, the RCC was supposed to be regionally owned and led framework that supports European and Euro-Atlantic integration of the aspiring countries. Although UNMIK was actively engaged in RCC’s different activities on behalf of Kosovo, it did little to ensure smooth transition of Kosovo’s own representation in RCC. Since the creation of RCC has almost precisely coincided with Kosovo’s declaration of independence, such UNMIK’s position caused tremendous difficulties for Kosovo to engage on its own within RCC. Immediately after Kosovo’s declaration of independence, Serbia has announced that it will not participate in any meeting or activity of the RCC in which Kosovo is not represented by UNMIK but tries to act as a sovereign state.<sup>119</sup> On the other hand, Kosovo authorities insisted to be admitted as representatives of the Republic of Kosovo, without UNMIK on behalf of them. Paradoxically enough, while RCC was supposed to facilitate cooperation among countries in the region, at least initially it did almost nothing to include Kosovo - a country with the highest need for regional integration and support - in its framework.<sup>120</sup>

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<sup>118</sup> Papić, 2013, p. 563.

<sup>119</sup> Altmann, 2009, p. 118.

<sup>120</sup> Except the Regional Environmental Center for Central and Eastern Europe (REC) Field Office in Kosovo; see Kallaba, Pëllumb, “Permanent Structured Cooperation in the Western Balkans as a Model towards European Union Accession,” Presented at the conference *Leaving Europe Waiting Room: Overcoming the Crisis of EU Enlargement in the Western Balkans*, Graz, November 09-11, 2012.

In addition to being hampered by Serbia's continuous opposition, participation of Kosovo representatives was also made difficult due to problems of using Kosovo passports and obtaining visas for countries that have yet not recognized Kosovo's independence. Since the RCC Secretariat is based in Sarajevo, this issue became especially troublesome for attending meetings in Bosnia and Herzegovina. Namely, although Bosnia and Herzegovina had the obligation under the RCC Host Country Agreement<sup>121</sup> to facilitate that process, the authorities of the country were unable to make arrangements for Kosovo authorities to enter the country with Kosovar passports. On the contrary, the procedure for obtaining visas was extremely complicated and time consuming. Among others, in order to obtain a visa, Kosovo citizens needed an invitation letter, a business letter and diplomatic note, while the invitation letter had to be notarized and sent to the embassy of the country of the applicant in Sarajevo.<sup>122</sup> Although, the situation has improved since September 2009 when special arrangements were made for Kosovar authorities to attend RCC hosted meetings.<sup>123</sup> Nevertheless, such technical issues coupled with political pressures were the main reason why Kosovo did not participate in the RCC Board meetings and other regional events hosted by RCC between June 2008 and September 2009. Unfortunately, such "anti-independence" approach has often been adopted by other countries that have not recognized Kosovo's independence (for instance Moldova, Slovakia and Romania). As a result of such approach, Kosovo delegation was not even admitted to participate at the first annual meeting that was held in June 2009 in Chisinau, Moldova.

A new situation has been created by the International Court of Justice's (ICJ) ruling of July 22<sup>nd</sup>, 2010 stating that Kosovo's declaration of independence was not in violation of international law.<sup>124</sup> For the Kosovo authorities this was an additional argument to oppose Kosovo's regional representation by UNMIK. As a result, Kosovo's authorities did not participate in RCC Board meetings in 2010, but they did, however, participate at the RCC Annual Meeting in Montenegro in June 2011 and at the board meeting of September 2011, as part of the UNMIK/Kosovo delegation. It should be mentioned that the appointment of the former Yugoslav Foreign Affairs Minister Goran Svilanovic, as the second Secretary General in May 2011 along with the adoption of its Strategy and Working Programme 2011-2013 has given new momentum to the consolidation of the RCC's headquarter in Sarajevo.<sup>125</sup> On the other hand, the European Commission has criticised RCC for focusing its activities more on declaratory diplomacy and flagging its presence in events, than on concrete actions that would offer value added to the region.<sup>126</sup> In addition, the Commission has continuously insisted that all parties in the region adopt a "constructive attitude in finding pragmatic ways of ensuring the inclusive character of

<sup>121</sup> According to the Host Country Agreement (HCA) the RCC Secretariat was given a sound legal basis to start its work as planned by the end of February 2008. In addition, the HCA also allows the Secretariat to conclude a Headquarters Agreement with Belgium to establish the RCC Liaison Office in Brussels; see Curri and Loshi, 2013, p.73.

<sup>122</sup> See "Kosovars face travel problems in BIH," SETimes, July 30<sup>th</sup>, 2012, [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2012/07/30/feature-04](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/07/30/feature-04) (07.10.2014)

<sup>123</sup> In fact, despite putting in place a simplified procedure for Kosovo representatives, the visa procedure remained rather complicated, especially for other regional events organized in BIH; see Curri and Loshi, 2013, p.73.

<sup>124</sup> Tanner, Adam and Stevenson, Reed. "Kosovo independence declaration deemed legal." *Reuters*, 22 July 2010. <http://www.reuters.com/article/idUSTRE66L01720100722> (16.09.2014)

<sup>125</sup> Kallaba, 2012, p. 12.

<sup>126</sup> Commission (DG Enlargement) non paper, *Moving towards a more efficient Regional Cooperation Council*, Western Balkans Region, Meeting doc.168/2009, 20 October 2009.

regional cooperation in South-East Europe,” and has strongly encouraged “all parties to seek practical and pragmatic solutions and is ready to facilitate all efforts to this effect.”<sup>127</sup>

Nevertheless, the issue of Kosovo’s equal representation in the RCC Secretariat and the Board still remained troublesome. Although Kosovo representatives attended several regional meetings for which UNMIK facilitation was required, most of them still posed a problem for the representation of Kosovo under its constitutional name, thus seriously hindering Kosovo’s full regional participation.<sup>128</sup> Even after Kosovo and Serbia reached the agreement on Arrangements Regarding Regional Representation and Cooperation, the issue of Kosovo’s participation in regional initiatives including RCC was neither satisfactory nor sufficient. In March 2012, the Serbian delegation walked out of the Board Meeting of RCC in Sarajevo. According to the Serbian Ministry of Foreign Affairs, the Serbian representatives left the meeting since the nameplate of Kosovo contained only the asterisk without the accompanying footnote.<sup>129</sup> At the same time, despite the RCC’s new Strategy and Working Programme 2011-2013, its Secretariat did little to advance the issue of Kosovo’s full membership.

It was only at its first meeting in 2013 that the Regional Cooperation Council Board decided to amend the statute and its founding declaration, to withdraw UNMIK’s reference and enable Kosovo to enter as a participant in this process.<sup>130</sup> According to RCC secretary general Goran Svilanovic, “the participation of Kosovo\* in the Regional Cooperation Council is a confirmation of the organization’s full dedication to ensuring all-inclusiveness in our activities,” while showing at the same time that “the region is able to take responsibility for its own future and create conditions for overall progress in the spirit of tolerance and cooperation.”<sup>131</sup> Such decision was welcomed by many countries such as the United States, Turkey, Albania, Sweden as well as representatives of the EU. According to Kosovo MFA, the country remains committed to regional cooperation and good inter-neighbourly relations, and RCC’s decision, undoubtedly opens up new opportunities of membership and cooperation for Kosovo.<sup>132</sup> To seize the opportunities created by RCC membership, the Government of Kosovo established the Office of the Regional Cooperation Council (ORCC) that should act within the Office of the Prime Minister. The office is led by a political advisor appointed by the Prime Minister, who will in addition of being responsible to manage the Office and execute its competencies also

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<sup>127</sup> European Commission, “Kosovo - Fulfilling its European Perspective,” Communication from the Commission to the European Parliament and the Council, Commission of the European Communities, Brussels, 14 October 2009.

<sup>128</sup> Curri and Loshi, 2013, p.73.

<sup>129</sup> Latković, N., “Delegacija Srbije zbog nedostatka fusnote napustila Sarajevo, a prištinska zbog fusnote otišla iz Beograda,” *Blic*, 15 March 2012. [www.blic.rs/Vesti/Politika/312244/Delegacija-Srbije-zbog-nedostatka-fusnote-napustila-Sarajevo-apristinska-zbog-fusnote-otisla-iz-Beograda](http://www.blic.rs/Vesti/Politika/312244/Delegacija-Srbije-zbog-nedostatka-fusnote-napustila-Sarajevo-apristinska-zbog-fusnote-otisla-iz-Beograda) (25.09. 2014).

<sup>130</sup> Kosovo used to be named 'Kosovo (UNMIK)' on the list of RCC participants, but this was changed to 'Kosovo\*', where the asterisks is to say that “this designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.” See “Kosovo becomes full-fledged participant of Regional Cooperation Council,” Ministry of Foreign Affairs of the Republic of Kosovo, <http://www.mfa-ks.net/?page=2,4,1603> (10.10.2014).

<sup>131</sup> “Kosovo\* becomes full-fledged participant in RCC,” *Kosovo Compromise*, <http://kosovocompromise.com/cms/item/topic/en.html?view=story&id=4446&sectionId=1> (12.10.2014)

<sup>132</sup> “Kosovo becomes full-fledged participant of Regional Cooperation Council.”



simultaneously serve as the National Coordinator on Regional Cooperation for South-Eastern European countries.<sup>133</sup>

### 3.4.2. The South East European Cooperation Process (SEECP)

As already mentioned, the South East European Cooperation Process dates back in 1996 and represents the region's only "home-grown" cooperation platform, consisting exclusively of states in Southeast Europe. Although it aimed to promote diplomatic and political dialogue among countries of the region, the SEECP was often criticised for lack of significant impact, operating mostly at the level of vague and generalised declarations.<sup>134</sup> Moreover, although one of very few regional initiatives at that time, the SEECP was rather divided during the Kosovo war in 1998-1999. Despite the adoption of the Bucharest Charter on Good Neighbourly Relations, Stability, Security and Cooperation in South-eastern Europe in 2000<sup>135</sup>, the SEECP showed little success in solving or facilitating any bilateral disputes in the Western Balkans. On 14 September 2007 in Plovdiv, the Ministers of Foreign Affairs of Bosnia and Herzegovina and the other SEECP participating states, as well as UNMIK on behalf of Kosovo signed the agreement establishing the secretariat of the RCC in Sarajevo. Consequently, after its establishment in 2008, the Secretariat of the Regional Cooperation Council supports and prepares the SEECP Ministerial meetings and Summits. According to the *Joint Declaration on the Establishment of the Regional Cooperation Council*, the RCC provides the SEECP with operational capacities through its Secretariat and also operates under the political guidance of the SEECP.<sup>136</sup>

Similarly to the RCC and basically for the same reasons already mentioned above, the Kosovo representatives faced serious difficulties to participate at SEECP meetings after Kosovo's declaration of independence. As a result, Kosovo representatives were unable to participate in key SEECP meetings, such as the Summit held in Chisinau in June 2009, then in 2010 in Istanbul and in 2011 in Budva.<sup>137</sup> At the Belgrade Summit that was held on June 2012 under Serbia's Chairmanship, Kosovo was denied membership to the SEECP despite the agreement on Arrangements Regarding Regional Representation and Cooperation reached in February 2012. As a consequence of the Serbia's opposition, Albania blocked the draft joint declaration, and therefore the heads of states were unable to adopt the respective declaration.<sup>138</sup> The controversy regarding Kosovo's participation at SEECP meeting also continued during Macedonian Chairmanship in 2013. Initially, the hosts invited Kosovo Foreign Minister, as a special guest in the formal meeting of the foreign ministers of the countries of the SEECP held in May 2013. Kosovo participated through deputy Foreign Minister and the ministers were able to issue a joint Ohrid Declaration.<sup>139</sup> However, due to objections by Serbia and Bosnia and Herzegovina,

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<sup>133</sup> "Office of the Regional Cooperation Council," The Office of the Prime Minister of the Republic of Kosovo, <http://www.kryeministri-ks.net/?page=2,129> (12.10.2014).

<sup>134</sup> See Delevic, 2007, p.18.

<sup>135</sup> See "The Bucharest Charter," 12 February 2000, <http://www.seecp-turkey.org/icerik.php?no=32> (10.10.2014).

<sup>136</sup> Kallaba, 2012, p. 7.

<sup>137</sup> Curri and Loshi, 2013, p.73.

<sup>138</sup> See "Albania blocks joint declaration at end of SEECP summit," B92, 15 June 2012, [http://www.b92.net/eng/news/politicsarticle.php?yyyy=2012&mm=06&dd=15&nav\\_id=80779](http://www.b92.net/eng/news/politicsarticle.php?yyyy=2012&mm=06&dd=15&nav_id=80779) (13.10.2014)

<sup>139</sup> SEECP Ohrid Declaration of the formal meeting of the Ministers for Foreign Affairs, Ohrid, 31 May 2013, [http://www.preventionweb.net/files/31414\\_seecpohriddeclaration.pdf](http://www.preventionweb.net/files/31414_seecpohriddeclaration.pdf) (13.10.2014)

Kosovo was not invited at the SEECP Summit of Heads of State and Government in Ohrid. Stating that such an act is contrary to the spirit of cooperation and dialogue in the region as well as to the ARRRC agreement reached in Brussels, Albanian President Bujar Nishani cancelled his participation.<sup>140</sup> Since Bulgaria and Greece had previously announced that their presidents would not participate in the summit, when the Croatian President Ivo Josipovic also announced he would not come, the summit was cancelled altogether.<sup>141</sup>

Although the EU Enlargement Commissioner Stefan Füle fell short of commenting the cancellation of the SEECP summit, he clearly insisted on inclusion of representatives from all over the region.<sup>142</sup> The cancellation of the summit also brought to surface once again the immense importance of Kosovo's inclusion in regional organizations and initiatives. It proved that there can be no meaningful and constructive regional cooperation in the region without full inclusion of Kosovo. As a result, in 2014 Kosovo was invited to both the second informal meeting and the Summit of the SEECP as special guest of the Romanian chairmanship. Speaking about SEECP's relevance to the region and on the arguments why Kosovo should become a member of this organization, Kosovo Foreign Minister, Enver Hoxhaj, also expressed Kosovo's determination to be part of SEECP as one of the most important organisations in terms of regional cooperation.<sup>143</sup> On the other hand, in June 2014 not only did Kosovo's President, Atifete Jahjaga participated at the SEECP Summit of Heads of State and Government, but a Summit Declaration was adopted that "invites Kosovo to participate on a permanent basis in the SEECP activities and meetings, at all levels and on equal terms."<sup>144</sup> Although Serbia's First Deputy Prime Minister and Minister of Foreign Affairs, Ivica Dacic was quick to deny that Kosovo became a full-fledged member of the SEECP, it is clear that Kosovo was slowly becoming a full-fledged member of the regional family.<sup>145</sup>

### 3.4.3. Central European Free Trade Agreement (CEFTA).

As already discussed, in April 2006 the member countries of CEFTA at that time and countries of the Western Balkans agreed on the reorganization of CEFTA by revising the rule on membership to include countries of the South East Europe. Consequently, together with other countries of the region Kosovo became part of CEFTA through the accession agreement that was signed by UNMIK on behalf of Kosovo. Though trade was for years considered the most significant field of regional cooperation in the Balkans, after initial success CEFTA subsequently suffered from constant fights and trade wars over contentious issues. In addition, CEFTA has

<sup>140</sup> "Albanian President explains his decision not to take place in the SEECP Summit in Ohrid" *Independent Balkan News Agency*, 29 May 2013, <http://www.balkanec.eu/albanian-president-explains-decision-place-seecp-summit-ohrid/#sthash.uWO2NrSa.dpuf> (13.10.2014)

<sup>141</sup> "Macedonia Cancels Regional Summit Amid Kosovo Dispute," *Radio Free Europe/Radio Liberty*, 29 May 2013, <http://www.rferl.org/content/balkan-summit-cancel-kosovo-macedonia/25001274.html> (13.10.2014).

<sup>142</sup> "Füle fails to comment on SEECP Summit cancellation, urges inclusion," *Macedonia Online*, 31 May 2013, <http://www.macedonia-online.com/fule-fails-to-comment-on-seecp-summit-cancellation-urges-inclusion> (13.10.2014).

<sup>143</sup> "Minister Hoxhaj seeks Kosovo's membership in SEECP," Ministry of Foreign Affairs of the Republic of Kosovo, 18 February 2014, <http://www.mfa-ks.net/?page=2,4,2246> (13.10.2014).

<sup>144</sup> "SEECP Bucharest Summit Declaration," Ministry of Foreign Affairs of the Republic of Romania, 25 June 2014, 3 para 3.

<sup>145</sup> "Kosovo Did Not Become SEECP Member," *InSerbia Network Foundation*, 2 July 2014, <http://inserbia.info/today/2014/07/kosovo-did-not-become-seecp-member/> (13.10.2014).



constantly been challenged due to protectionist trends, obstacles in ensuring its inclusiveness and the inability to solve bilateral political and economic disputes.<sup>146</sup> On the other hand, considering that the future economic development of Kosovo was based on trade, production and export, CEFTA certainly seemed as a very important mechanism to achieve these objectives. Through CEFTA membership Kosovo was exposed to a market of 20 million consumers, while at the same time being opened to transfer of know-how on trade, technology, and competition with other member countries.<sup>147</sup>

However, Kosovo could hardly use these CEFTA benefits, since it declared its independence soon after its membership to the organization. Although under the Kosovo constitution, the Kosovo authorities were supposed to ensure its regional and international representation, they were not accepted as a direct successor to UNMIK by some parties to these agreements.<sup>148</sup> As a result, Serbia and Bosnia and Herzegovina requested that in all CEFTA meetings Kosovo should be represented with a UNMIK representative. Moreover, once Kosovo institutions changed the stamps from “UNMIK Customs” to “Kosovo Customs”, Serbia and BIH unilaterally blocked the export of goods from Kosovo, and barred the usage of their territory for transit purposes.<sup>149</sup> Consequently, the blockade caused a decrease of Kosovo exports for 9.8% only in 2008, while local companies were forced to use third countries in order to integrate in regional market.<sup>150</sup> In 2009, although Kosovo’s overall trade deficit was estimated at 43% of GDP, due the blockade its substantial deficit in trade in goods and services was not helped by regional cooperation through CEFTA.<sup>151</sup> Additionally, during the period of 2008-2011 Kosovo products became less competitive in the European market and foreign investors were discouraged to invest in Kosovo because of difficulties to export their products in the region.<sup>152</sup>

It is interesting to note that despite clear non-compliance of Serbia and Bosnia of the CEFTA agreement and clear losses to Kosovo economy, Kosovo authorities took no measures for almost five years. It was only in 2011 that Kosovo decided to adopt reciprocal measures against both countries.<sup>153</sup> The issue caused political and security tensions in the respective countries that needed to be addressed outside the CEFTA secretariat. With direct involvement of the European External Action Service within the process of EU facilitated dialogue in Brussels during September 2011, the acceptance Kosovo’s customs stamps by both Serbia and BIH led to the lifting of mutual trade embargoes.<sup>154</sup> In general, there is great disappointment on the part of the Kosovo authorities with regard to CEFTA. In September 2012, Kosovo’s National Coordinator for Regional Cooperation, Mr. Edon Cana has blamed the EU for not keeping Serbia accountable and accused it that it has delivered too slowly at the expense of Kosovo.<sup>155</sup> However, based on CEFTA 2006 Report for 2012 Kosovo together with Moldova is seriously

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<sup>146</sup> Kallaba, 2012, p. 9.

<sup>147</sup> “Kosovo in CEFTA: In or Out?,” Policy Brief, The Institute for Advanced Studies GAP, March 2011, p. 4.

<sup>148</sup> Curri and Loshi, 2013, p. 72.

<sup>149</sup> Kallaba, 2012, p. 10.

<sup>150</sup> “Kosovo in CEFTA: In or Out?,” 2011, p. 4.

<sup>151</sup> Mamel, 2011, p. 25.

<sup>152</sup> Kallaba, 2012, p. 110. n

<sup>153</sup> Xharra, Besian, “Kosovo to Tackle Serbia Blockade at CEFTA,” *Balkan Insight*, 24 March 2011, <http://www.balkaninsight.com/en/article/kosovo-to-tackle-serbia-blockade-at-next-cefta-meeting> (14.10.2014).

<sup>154</sup> Kallaba, 2012, p. 11.

<sup>155</sup> Curri and Loshi, 2013, p. 80.

behind other countries in the region and international practice in general.<sup>156</sup> Under such circumstances and having in mind continuous opposition by Serbia and other non-recognizing countries, at least for the time being, Kosovo's prospects for full membership in CEFTA remain rather slim.

#### **3.4.4. The Central European Initiative (CEI)**

As mentioned earlier, since its membership represents a mixture of nine members of the EU and nine other non EU countries, the Central European initiative plays a significant role in the process of acceleration of the European integration of non-EU member states. Nevertheless, due to high political level profile of CEI meetings, Kosovo has until recently not managed to achieve any meaningful progress in terms of its participation in this initiative. Main reason, among others, lays in the fact that two EU member states and five non-EU member states (including Serbia and Bosnia and Herzegovina) haven't yet recognized Kosovo independence. Nevertheless, after the progress made with Serbia through the EU-facilitated dialogue and membership in several regional organizations and initiatives, Kosovo has managed to take part at a conference of the Council of Foreign Affairs of the member countries of the Central European Initiative that was held in Vienna on 4<sup>th</sup> of June 2014. On this occasion, Kosovo's Deputy Minister of Foreign Affairs who participated as a special guest of the Chairman also took part in a conference organized in the margins of the summit, dedicated to European integration and economic development in the Western Balkans.<sup>157</sup>

In terms of its future prospects for joining the CEI, Kosovo might benefit from its recent membership at the European Bank for Reconstruction and Development (EBRD). Namely, since CEI has strong cooperation and receives financial support of the EBRD, Kosovo's membership in the latter could provide additional prospects for joining the initiative. On the other hand, since the strategic goal and basis of all CEI activities is "regional cooperation for European integration," Kosovo could also exploit its current progress towards EU, and overwhelming support of the Union for its regional participation, to eventually make a stronger case for joining the initiative.

#### **3.4.5. The Adriatic Charter Partnership**

As mentioned earlier, in December 2008, the initiative was expanded further, when during the OSCE ministerial meeting in Helsinki Montenegro and Bosnia and Herzegovina joined the Adriatic Charter. Since then, these five member countries were often referred as A-5 countries. In addition, Serbia has attended the conferences of the Charter in the status of observer at the ministerial level and the level of Chiefs of General Staff. Kosovo has also participated in the charter meetings as an observer on a ministerial level or the level of military Chiefs of Staff, but

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<sup>156</sup> Kurtovic, Safet, Siljkovic, Boris and Dasic, Boban, "The effect of non-tariff barriers on trading flows Bosnia and Herzegovina within CEFTA 2006," Volume 8, Issue 2, Skopje, December 2013, p. 17.

<sup>157</sup> "Selimi participates in the ministerial meeting of the CEI," Ministry of Foreign Affairs of the Republic of Kosovo, 4 June 2014; <http://www.mfa-ks.net/?page=2,4,2361> (20.10.2014).

so far it has not participated in any military exercises.<sup>158</sup> Since Charter's clear aim is "full integration into European and trans-Atlantic economic, security and defence institutions"<sup>159</sup> of its members, Kosovo's goal to become its full member comes as no surprise. Consequently, as part of its Euro-Atlantic aspirations and endeavours to expand its regional participation, Kosovo has in 2012 applied for membership in the A-5. It is hoped that membership in the charter is the way to help integrate the Kosovo Security Force in the charter's regional defence and security mechanism, making the path to NATO easier.<sup>160</sup> Additionally, regardless of its aspirations for NATO membership, Kosovo is the only country in the region that has not got an offer to participate in the Partnership for Peace. Such isolation of Kosovo from the NATO's consultative instruments – EAPC and PfP represents a challenge for completion of the security architecture of the region, and of Europe at large, especially due to the unresolved disputes with Belgrade and the uncompleted national defence institutions.<sup>161</sup>

However, Kosovo chances for membership are currently seriously hindered by the non-recognition of its independence by Bosnia and Herzegovina as a full member of A-5 since the charter requires consensus by all its members.<sup>162</sup> On the other hand, Serbia has continued its efforts to block Kosovo's regional participation in this initiative as well. Although an observer itself, Serbia has already boycotted several Charter meetings which Kosovo has attended in the capacity of an observer, while at the meeting of foreign affairs ministers in Zagreb 2012 it sent a low-level diplomat.<sup>163</sup> However, it was precisely at this Charter's Commission meeting in Zagreb that member states emphasized that the US-Adriatic Charter remains open to all Western Balkan countries and, in this framework, welcomed the presence of the Kosovo and Serbia delegations as a complement to the regional map of cooperation.<sup>164</sup> In addition, Kosovo's recent membership to the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC) has enabled Kosovo to fulfil the criteria for NATO membership and brought it a step close to the membership of the Charter, while at the same time contributing to the enhancement of regional stability.<sup>165</sup>

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<sup>158</sup> For instance Kosovo participated in the Adriatic Charter Partnership Commission meetings held in Skopje and Zagreb in December 2010 and 2012 respectively; see "Çitaku to Take Part in the Adriatic Charter – USA Forum, Ministry of Foreign Affairs of the Republic of Kosovo, 14 December 2010; <http://www.mfa-ks.net/?page=2,4,617> (14.10.2014).

<sup>159</sup> State Department press release, 2003.

<sup>160</sup> Brajshori, Muhamet, "Kosovo looking to join the Adriatic Charter," *Southeast European Times*, 21 January 2013; [http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2013/01/21/feature-04](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2013/01/21/feature-04) (14.10.2014).

<sup>161</sup> Peci, Lulzim, "Kosovo in the Security and Defence Context of the Western Balkans," Kosovar Institute for Policy Research and Development, September 2014, p. 54.

<sup>162</sup> Emini, 2014, p. 15.

<sup>163</sup> Brajshori, 2013.

<sup>164</sup> "MFA welcomes the results of the US-Adriatic Charter Partnership Commission," Ministry of Foreign Affairs of the Republic of Albania, 14 December 2012; [http://www.keminet.net/~minfagov/index.php?option=com\\_content&view=article&id=8530:mpj-pershendet-rezultatet-e-komisionit-te-partneritetit-te-kartes-se-adriatikut-shba&catid=112:lajme&Itemid=88&lang=en](http://www.keminet.net/~minfagov/index.php?option=com_content&view=article&id=8530:mpj-pershendet-rezultatet-e-komisionit-te-partneritetit-te-kartes-se-adriatikut-shba&catid=112:lajme&Itemid=88&lang=en) (14.10.2014).

<sup>165</sup> "Kosova anëtarësohet në organizatën e sigurisë RACVIAC," *KOHAnet*, 10 October 2014; <http://kohanet.net/?id=27&l=28875> (14.10.2014).

## 4. FUTURE PERSPECTIVES OF KOSOVO'S REGIONAL PARTICIPATION

As discussed earlier, despite serious hurdles and challenges to its regional participation, Kosovo has managed to achieve certain progress in terms of its membership in regional organizations and initiatives. According to the Kosovo Ministry of Foreign Affairs with the latest membership at RACVIAC, has managed to secure full membership in total of 35 regional and international organizations.<sup>166</sup> Among those, full membership in the Regional Cooperation Council and its political wing SEECP are certainly the most important ones. On the other hand, Kosovo did not have much interest and consequently did not take any concrete steps towards participation at Organization of the Black Sea Economic Cooperation, the Adriatic Ionian Initiative and South-East Europe Cooperative Initiative. However, membership in RCC has enabled Kosovo to have access to a plethora of other regional organizations and initiatives that operate under its umbrella. Nevertheless, it is clear that future perspectives of Kosovo's regional participation will significantly depend on three key factors: (1) Overall relations between Kosovo and Serbia; (2) International recognition and integration of Kosovo; (3) Institutional capacity of Kosovo institutions.

### 4.1. Overall relations between Kosovo and Serbia

As we have previously seen, so far Serbia has been the main obstacle to Kosovo's participation in regional organizations and initiatives. Being already a member of most of these organizations, Serbia has used all its political and diplomatic powers to basically prevent Kosovo's regional integration. Even after reaching the agreement about the Arrangements Regarding Regional Representation and Cooperation (ARRRC), Serbia has at least initially played around to hamper Kosovo's regional participation. Ironically enough, a major breakthrough, at least in terms of successful application of the ARRRC, has started after Serbia elected its new government in September 2012. Although the new government was expected to be more nationalistic than the previous one, in September 2012 it made some positive changes regarding the position on the interpretation of the ARRRC. Namely, the government adopted a new instruction, according to which the footnote needed only stand in the official documents of a meeting and not on the Kosovo nameplate. In addition, in situations when there are highly justified reasons, this instruction gave discretion to the Government, to allow representatives of Serbia to attend a meeting even when the conditions set in the Instruction are not met.<sup>167</sup>

Such position of the new Serbian Government enabled joint participation of Belgrade and Prishtina at regional meetings, thus marking a step forward in regional cooperation. Soon after, this was followed by a new phase of the EU sponsored dialogue on "technical" issues that this time was arranged at the highest level. On 19 October 2012, the Prime Minister of Serbia, Ivica Dačić, and of Kosovo, Hashim Thaçi, met in Brussels under the auspices of the High

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<sup>166</sup> "Kosova anëtare e 35 organizatave rajonale e ndërkombëtare," KOHAnet, 15 October 2014; <http://koha.net/?id=27&l=29472> (16.10.2014).

<sup>167</sup> Staletović, Ljiljana, "Fusnota može, ali ne mora," *Dnevni Akter*, 9 September 2012; <http://www.akter.co.rs/weekly/33-politika/print-14562-fusnota-mo-e-ali-ne-mora.html> (16.10.2014)

Representative of the EU for Foreign Affairs and Security Policy (FASP), Baroness Catherine Ashton.<sup>168</sup> Subsequent meeting held on 7 February 2013 brought together the Presidents of two countries, Atifete Jahjaga of Kosovo and Tomislav Nikolić of Serbia.<sup>169</sup> These meetings led to further steps towards the normalisation of relations between Kosovo and Serbia. One of major achievements was the agreement to appoint respective liaison officers who were to be based at the EU premises in Belgrade and Prishtina. In addition, for offering its facilities, the EU was to provide facilitation for putting these arrangements in place and assistance in their implementation. The liaison officers, with the task of following all issues related to the normalisation of relations and eventually addressing all everyday problems, were exchanged in mid-June 2013.<sup>170</sup> The governments of the two countries took a further step, when the Prime Ministers of Kosovo, Thaçi, and of Serbia, Dačić, on 19 April 2013 in Brussels, under the auspices of the European Union, signed “The First Agreement of Principles governing Normalization of Relations.” Though the agreement was opposed in both Serbia and Kosovo, it was afterwards approved by both the parliaments in Belgrade and Prishtina.<sup>171</sup> Obviously, the main driver behind these achievements was the promise of further progress towards EU integration. The perspective of better livelihood within the EU through radical social and economic reforms as required by the *acquis*, has once again proved to be an important incentive for both Serbia and Kosovo.<sup>172</sup>

It should be mentioned though that, immediately after Kosovo’s declaration of independence the leadership in Belgrade adopted the view that it can pursue in parallel its continuing struggle for Kosovo and Serbia’s ambitions to join the EU. At least initially, the EU which was itself divided on the Kosovo issue has played along with this idea. Since defending Serbia’s territorial integrity was a must even for pro-European Serb leaders, such rationale by the EU was understandable. Namely, insisting from the beginning on the acceptance of Kosovo’s statehood would have resulted in instant blockage of Serbia’s progress toward the EU.<sup>173</sup> However, later the EU made it clear that the two issues are not as separate as Belgrade would like them to be. Most EU countries believe that Serbia’s advancement toward Brussels should be accompanied by a certain step-by step normalization of relations with Prishtina. Since decisions on enlargement are based on consensus, it is possible even for individual EU member states to impose their own

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<sup>168</sup> See Barlovac, Bojana, “Dacic and Thaci Meet in Brussels, Make History,” *Balkan Insight*, 19 October 2012; [www.balkaninsight.com/en/article/dacic-and-thaci-make-history-attendingmeeting](http://www.balkaninsight.com/en/article/dacic-and-thaci-make-history-attendingmeeting) (15.10.2014).

<sup>169</sup> Barlovac, Bojana, “Kosovo, Serbia Presidents Hail Outcome of Talks,” *Balkan Insight*, 7 February 2013; [www.balkaninsight.com/en/article/kosovo-and-serbiapresidents-pledge-to-normalise-relations](http://www.balkaninsight.com/en/article/kosovo-and-serbiapresidents-pledge-to-normalise-relations) (15.10.2014).

<sup>170</sup> See “The Agreement on Liaison Arrangements,” Brussels, 31 May 2013; see also “Priština Appoints New Liaison Officer in Belgrade,” *B92*, 21 June 2013 [www.b92.net/eng/news/politics.php?yyyy=2013&mm=06&dd=21&nav\\_id=86708](http://www.b92.net/eng/news/politics.php?yyyy=2013&mm=06&dd=21&nav_id=86708) (15.10.2014).

<sup>171</sup> The agreement is also referred to as the Brussels Agreement. Among others, it specifies “that neither side will block, or encourage others to block, the other side’s progress in the respective EU paths”. Although earlier draft referred to “accession to international organisations,” it was rejected by Belgrade since it thought it would lead to its formal recognition of Kosovo. See “Information Session: First Agreement Between Serbia and Kosovo of Principles Governing Normalization of Relations,” *Wilson Center*, 24 April 2013; <http://www.wilsoncenter.org/event/information-session-first-agreement-between-serbia-and-kosovo-principles-governing> (17.10.2014).

<sup>172</sup> Madden, David, “Serbia and regional cooperation in the Western Balkans: EU membership perspective as a tool for overcoming the past,” *South East European Studies at Oxford*, 8 May 2013; <http://seesoxcentral.blogspot.com/2013/05/serbia-and-regional-cooperation-in.html> (16.10.2014)

<sup>173</sup> Lehne, Stefan, “Kosovo and Serbia: Toward a Normal Relationship,” *The Carnegie Endowment for International Peace, Policy Outlook*, March 2012, p. 7.

conditions in this regard. Consequently, it was the German chancellor, Angela Merkel that in August 2011 clearly linked Serbia's candidate status with progress on improving relations with Prishtina.<sup>174</sup> Later on, in its Enlargement Strategy 2012-2013, the European Commission clearly specified that "a visible and sustainable improvement in relations between Serbia and Kosovo is needed so that both can continue on their perspective paths towards the EU, while avoiding that either can block the other in these efforts. This process should gradually result in the full normalization of relations between Serbia and Kosovo with the prospect of both able to fully exercise their rights and fulfill their responsibilities within the EU."<sup>175</sup>

Somehow, the softening of Serbia's position towards Kosovo's regional participation coincided with these new EU messages. Obviously, there is logic in the notion that Serbia's EU aspirations and its policies on Kosovo need to be seen together. As already mentioned, the development of positive relations with neighbours has always been an important aspect of EU enlargement for countries of the Western Balkans. On the other hand, having in mind the EU's massive investment in Kosovo, it is obvious that any Serbian policies against Kosovo would be harmful to EU interests. In addition, since the EU perspective extends to the whole Western Balkans, in terms of the EU's policies toward the region it would be counterproductive if Serbia were to become a new member state and block Kosovo's further progress toward the EU.<sup>176</sup> Obviously, such reality represents Kosovo's best chance to improve its prospects for full and meaningful regional participation. Kosovo should exploit the EU's specific Kosovo-related conditionality for Serbia's progress toward the EU in favour of its regional integration. By the same token, Kosovo should intensify its structural reforms on its journey towards European Union, while at the same time demonstrating political will and commitment to meet the European requirements and standards in the process. As Stefan Lehne rightfully points out, "Just as the best way for Pristina to convince Belgrade to adopt a more constructive approach goes through Brussels, improving relations with Belgrade will be an important way for Kosovo to make progress toward the EU."<sup>177</sup> Full normalization of relations between Kosovo and Serbia, nevertheless, is hardly imaginable without mutual recognition. If the current Brussels' policy of "no toleration of another Cyprus" is to be followed, the ultimate price for Serbia's membership in EU will be recognition of Kosovo, but the ultimate price that Kosovo has to pay still remains unclear.

## 4.2. International Recognition and Integration of Kosovo

According to the official information in the website of the Ministry of Foreign Affairs, up to date Kosovo has been recognized by 98 countries,<sup>178</sup> although the figure which is usually mentioned by Kosovo authorities stands at 108. Without judging whether the present number is high or

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<sup>174</sup> Cahn, Dianna, "EU Candidacy Drives Serbia to Improve Kosovo Relations," Voice of America, 31 August 2011; <http://www.voanews.com/content/eu-candidacy-drives-serbia-to-improve-kosovo-relations-128908358/170852.html> (18.10.2014).

<sup>175</sup> European Commission, "Enlargement Strategy and Main Challenges 2012-2013," Communication from the Commission to the European Parliament and the Council COM(2012) 600, Commission of the European Communities, Brussels, 10 October 2012.

<sup>176</sup> International Crisis Group, "Serbia and Kosovo: The Path to Normalisation," *ICG Europe Report* N° 223, 19 February 2013.

<sup>177</sup> Lehne, 2012, p. 8.

<sup>178</sup>; see "Countries that have recognized the Republic of Kosovo," Ministry of Foreign Affairs of the Republic of Kosovo; <http://www.mfa-ks.net/?page=2,33> (17.10.2014).



low, there are undoubtedly several non-recognizing countries that are important for Kosovo in terms of its successful regional participation. First of all, this refers to the five existing members of the EU that have yet not recognized Kosovo statehood. Out of these five countries, Greece and Romania are extremely important when it comes to Kosovo's regional integration. Namely, these two countries are also part of the wider region and at the same time members of several important regional organizations and initiatives. A breakthrough in a form of recognition by these two countries would seriously improve prospects of Kosovo for successful regional participation. As already seen, the main promoter of Kosovo's inclusion in regional fora so far has been the EU. It was the EU that facilitated the dialogue that brought to ARRRC, which has in turn, enabled Kosovo to become member of several important regional initiatives such as RRC and SEECF. Nevertheless, the EU is unable to speak with one voice when it comes to Kosovo, because five of its 28 members have not yet recognized its independence. Additionally, the non-recognition by five EU member states prevents the EU from engaging with Kosovo at the same level as it does with other Western Balkan states.<sup>179</sup>

Many argue that this is also a primary reason why Kosovo and Serbia have not been equally "rewarded" for their constructivism throughout the EU facilitated dialogue. While the EU ministers at the last General Affairs Council of 2013 agreed that Serbia should start accession talks, Kosovo was only thanked for being constructive and loyal to the EU. Kosovo hopes that the dialogue with Serbia dialogue would accelerate its progress toward visa-free travel and the signature of a Stabilisation and Association pact with the EU did not yet come through.<sup>180</sup> Therefore, Kosovo should build on the recent momentum created by positive developments with Serbia to intensify its efforts *vis-a-vis* five non-recognizing EU members. In May 2014, Kosovo has concluded formal negotiations for a Stabilisation and Association Agreement, and it is expected to sign the SAA by the end of this year. Although the agreement will be concluded in the form of an EU-only agreement, involving the EU on one side and Kosovo on the other, this will put additional pressure to the five EU non-recognizing states.<sup>181</sup> Although according to the new provisions of the Lisbon Treaty the SAA does not need ratification by member states, Kosovo should together with the EU utilize the signing of the agreement to undertake coordinated efforts to further pressurize the non-recognizing states. In doing so, Kosovo should especially rely on current increased involvement of Germany in the region. Based on current situation, it is hard to believe that Spain and Cyprus, and to certain extent Slovakia, will change their position on Kosovo regardless of the pressure that can be exercised over them. Therefore, Kosovo's recognition efforts should during this period fully concentrate on Greece and Romania. In addition to being the most important EU countries for Kosovo's regional integration, both these countries have recently shown certain signs of altering their position towards recognition of Kosovo. Namely, Greece has recently declared that it wants Kosovo in the EU and that it advocates that all the member states of the EU should recognize it.<sup>182</sup> On the

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<sup>179</sup> Lehne, 2012, p. 5.

<sup>180</sup> Zulfaj, Jeton, "Who won the EU game on Kosovo and Serbia?," *EUobserver*, 10 January 2013, <http://euobserver.com/foreign/122677> (17.10.2014).

<sup>181</sup> "Stabilisation and Association Agreement negotiations successfully completed," European Union Office in Kosovo/European Union Special Representative in Kosovo, 2 May 2014; [http://eeas.europa.eu/delegations/kosovo/press\\_corner/all\\_news/news/2014/20140502\\_03\\_en.htm](http://eeas.europa.eu/delegations/kosovo/press_corner/all_news/news/2014/20140502_03_en.htm) (20.10.2014).

<sup>182</sup> "Greece To Recognize Kosovo?," *InSerbia News*, 19 March 2014, [inserbainfo.info/today/2014/03/greece-to-recognize-kosovo/](http://inserbainfo.info/today/2014/03/greece-to-recognize-kosovo/) (20.10.2014).



other hand, current Prime-Minister of Romania, Victor Ponta has promised to rethink Romania's opposition to Kosovo's independence if he wins the presidential race in November 2014.<sup>183</sup> Eventual recognition by these two EU member states will undoubtedly put a huge pressure on Serbia to lift the opposition to Kosovo's membership in regional fora. In that case, Kosovo could hope not only for meaningful regional participation but for a major breakthrough in its international integration.

Another important issue in this direction is eventual progress in overall relations with Bosnia and Herzegovina. As already seen, in addition to Serbia, due to its non-recognition policy, BIH has been the biggest opponent of Kosovo's regional participation. Currently, diplomatic relations between the two countries are inexistent, while other relations are also reduced to a minimum. As already explained, lately Serbia has taken a number of important steps contributing to the relaxation of relations with Kosovo and its greater regional participation. Other countries not recognizing Kosovo have accepted such reality and adapted their policy accordingly. Still, Bosnia and Herzegovina has not shown any positive signs of rapprochement towards Kosovo, even on issues of practical aspects of cooperation with the citizens of Kosovo.<sup>184</sup> Although BIH acknowledges that any attempts to return to the previous state would be counterproductive for Serbia and the region, due to its internal divisions, so far no internal consensus on the issue of Kosovo has been reached. Nevertheless, Kosovo should exploit the huge trade surplus of some 80 million euros that Bosnia has with Kosovo. Temporary three-month trade reciprocity measures that Kosovo has imposed to Bosnia in July 2011 have caused tremendous losses to Bosnian companies.<sup>185</sup> By increasing the pressure in this direction, Kosovo might be able to achieve some progress towards normalization of relations with BIH. On the other hand, Kosovo should pressure EU to adopt towards Bosnia a similar EU's specific Kosovo-related conditionality for its progress toward the EU. While this may not change Bosnia's position regarding Kosovo's recognition, it certainly might soften its attitude towards Kosovo regional participation. Finally, Kosovo should also take advantage of the fact that it has already been recognized by all its neighbours except Serbia. By strengthening and developing further its collaboration with these neighbours, Kosovo could put additional pressure in non-recognizing states from its wider neighbourhood. We have already seen how Belgrade's policy of boycotting regional events attended by Kosovo has led to its own exclusion from a number of important conferences. Continuous support by its neighbours and the EU, could add additional pressure to both Serbia and Bosnia to stop their policy of hindering Kosovo's regional participation.

Last but not least, Kosovo should continue its efforts for further international integration by accelerating the procedures for joining the Council of Europe. Since Sovereign states enjoy an exclusive right to join international organizations, by obtaining membership in the Council

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<sup>183</sup> Zogjani, Nektar, "Romanian Election Raises Kosovo's Hope of Recognition," *BalkanInsight*, 17 September 2014; <http://www.balkaninsight.com/en/article/romanian-election-raises-kosovo-s-hope-of-recognition> (28.10.2014).

<sup>184</sup> While citizens of BIH may freely travel to Kosovo without a visa, citizens of Kosovo travelling to Bosnia and Herzegovina or through its territory still need a visa. It is interesting to mention that Slovakia as another non-recognizing state accepts Kosovo travel documents with a Schengen visa; see "Kosovo: New Reality of Regional Cooperation," *Policy Analysis* 4/13, Foreign Policy Initiative BH, December 2013, p. 10.

<sup>185</sup> "Pristina's New Customs Duties Aimed At Pressuring Bosnia," Radio Free Europe/Radio Liberty, 9 August 2011; [http://www.rferl.org/content/pristinas\\_new\\_customs\\_duties\\_put\\_pressure\\_on\\_bosnia/24291458.html](http://www.rferl.org/content/pristinas_new_customs_duties_put_pressure_on_bosnia/24291458.html) (20.10.2014).

Kosovo would further legitimize its status as an independent state. By becoming member of an international organization, not only does a state affirm its sovereignty, but also the sovereignty of that specific state is recognized by the international organization.<sup>186</sup> In this context, recent membership in Venice Commission,

one of the most important institutions of the Council of Europe, represents an important step for Kosovo towards membership in the Council of Europe and towards full integration of Kosovo into the European Union. Membership in the Council of Europe as one of the key pan-European institutions would certainly help Kosovo to further strengthen its democracy and deepen constitutional and electoral reforms.<sup>187</sup> In addition, by joining the Council, Kosovo would not only strengthen its claim to being a sovereign European state, but it would bolster its case for universal accession to international and regional organizations. Finally, becoming a member of an organization that hosts 47 member states would ultimately bring Kosovo closer to recognition by the remaining European countries.

### 4.3. Institutional Capacity of Kosovo Institutions

In addition to the two factors already explained above, future perspective of Kosovo's regional participation will also greatly depend on the institutional capacity of Kosovo institutions to successfully facilitate such participation. In general, one state is functional and efficient only by developed, professional and responsible public administration. For Kosovo, the reform of public administration is a crucial part of the overall state-building.<sup>188</sup> Unfortunately, more than six years after independence public administration in Kosovo remains inefficient, corrupted and highly politicized. According to the last Kosovo Progress Report of the European Commission, the implementation of the strategy (2010-13) and action plan (2012-14) on public administration reform has been a serious challenge for Kosovo and has delivered very limited results. The report points out that "Kosovo needs to establish a realistic strategic framework for policy making, legislative planning and the practical implementation of reforms."<sup>189</sup> Moreover, the report reveals that political interference in public administration persists both at central and local level, and asks for further efforts to fully implement relevant provisions on the prevention of corruption and promotion of integrity in the civil service.<sup>190</sup>

Therefore, it should be clarified that one cannot blame only external factors for impeding Kosovo benefitting from regional initiatives. Clearly, throughout this process, Kosovo government and administration has demonstrated a lack of understanding as well as a lack of comprehensive strategy and coordination for joining regional organizations and initiatives. The arrangements for Kosovo's participation in regional events have mostly tended to be ad hoc, made at the last minute and without proper coordination.<sup>191</sup> Although the administrative

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<sup>186</sup> "Kosovo's Path to the Council of Europe: Identifying procedures, obstacles and solutions for membership," *Policy Report 06/2013*, Group for Legal and Political Studies, September 2013, p. 7.

<sup>187</sup> "Kosovo joined the Venice Commission of the Council of Europe," Ministry of Foreign Affairs of the Republic of Kosovo, 11 June 2014; <http://www.mfa-ks.net/?page=2,4,2363> (20.10.2014).

<sup>188</sup> Batalli, Mirlinda, "Reform of Public Administration in Kosovo," AAB University, 2012, p. 1.

<sup>189</sup> European Commission, "Kosovo Progress Report 2014," Brussels: European Commission, Commission Staff Working Paper, 12 October 2014, p. 3.

<sup>190</sup> Ibid., p. 10.

<sup>191</sup> Curri and Loshi, 2013, p. 77.

instructions of Kosovo delegates for participation in regional meetings were clear and concise, in practice they were inefficient and uncoordinated. Consequently, at operational level the line ministries and independent government agencies were continuously faced by difficulties in participation due to lack of proficient human resources capable to attend in regional meetings and then link regional obligations with national policies. Situation was additionally complicated by divergent interpretations and specific circumstances adopted by different regional initiatives depending on their host country or organization that required last-minute instructions.<sup>192</sup>

Despite membership in several regional organisations and initiatives, such participation has not translated on significant adjustments in administrative structures in Kosovo. No new units or bodies were created, but simply for all of them only functional redistribution of the same staff was utilized. These changes were primarily made in various administrative units in line ministries or independent agencies that dealt with issues and fields covered by the activities of the specific regional initiative.<sup>193</sup> As already mentioned, after joining RCC, the Government of Kosovo established the Office of the Regional Cooperation Council within the Office of the Prime Minister. The appointed national coordinator on Regional Initiatives was supposed to serve as a focal point for coordination of all country's regional activities. On the other hand, the Ministry of Foreign Affairs took the lead in terms approaching regional organizations and initiatives in regard to Kosovo's membership. As a result, Kosovo's representation in regional fora was characterized with lack of coordination and mismanagement.<sup>194</sup>

While Kosovo has played a constructive role as a regional player and has helped maintain peace and stability in the region, it still needs additional progress with focus on structural reforms that will enhance good governance, improve efficiency of the institutions and generate political and socio-economic development.<sup>195</sup> In addition to political will, the government of Kosovo needs a much stronger focus on inter-ministerial coordination, resources and administrative and physical infrastructure to secure regional participation and to perform the obligations deriving from regional initiatives. Moreover, in order to improve its performance and import knowledge and projects from its regional participation, Kosovo government needs to allocate adequate and proper human and financial resources to such participation.<sup>196</sup> Kosovo should use the most suitable regional experiences as well as unique properties of Kosovo to develop the most effective path for its regional integration.<sup>197</sup> Kosovo's recent membership in the Regional School of Public Administration (ReSPA) will certainly help the country in its pursuit of building professional and citizen-oriented public administration. ReSPA is a regional institution that has the know-how and the resources to help Kosovo towards the development of accountable, effective and professional public administration and the promotion of good governance and

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<sup>192</sup> "Administrative Instruction on participation in regional meetings," Ministry of Foreign Affairs of the Republic of Kosovo, 22 April 2012.

<sup>193</sup> Curri and Loshi, 2013, p. 80.

<sup>194</sup> Ibid., p. 77.

<sup>195</sup> Muharremi, Shenoll, "Kosovo Feasibility Study: EU's Chance to Anchor Kosovo," *Development Group*, May 2012, p. 3.

<sup>196</sup> Curri and Loshi, 2013, p. 84.

<sup>197</sup> Muharremi, 2012, p. 6.

public administration.<sup>198</sup> On the other hand, the Ministry of Foreign Affairs should design a clear and definite list of regional organizations and initiatives for which there is a clear strategic interest and benefit for Kosovo's citizens. Such list should be backed with a strategic plan which needs to be supported with appropriate financial and administrative structures and resources.<sup>199</sup> All these steps, together with improved coordination among different state institutions would then undoubtedly guarantee much more successful regional integration of Kosovo.

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<sup>198</sup> Kosovo has joined ReSPA on 22 November 2013 with unanimous decision of all member states; see "Kosovo\* joins ReSPA," ReSPA News, 29 January 2014; <http://www.respaweb.eu/0/news/66/kosovo-joins-respa> (20.10.2014).

<sup>199</sup> Curri and Loshi, 2013, p. 84.

## 5. CONCLUSION

After the end of the Cold War, a plethora of regional organization and initiatives have emerged throughout the region of the South East Europe. Similarly to the countries of the Central and East Europe, aspiration for full EU membership has been the main drive for SEE countries as well. However, the enlargement perspective for Western Balkan countries came with certain delay as compared to the rest of the European post-communist states. While countries of CEEO were progressing towards the EU, the Balkans was engulfed in bloody wars after the disintegration of former Yugoslavia. In addition, in the Western Balkans, the EU integration was a condition of stabilisation, rather than the other way around. Consequently, the phases of stabilisation, transition and integration needed to proceed simultaneously for their mutually reinforcing effects to work. Therefore, though the process of EU enlargement towards the Western Balkans reproduced many of the patterns of the Central and East European enlargement experience, at the same time it also introduced some new aspects to the evolving process of political conditionality. Next to the Copenhagen principles and universal Western criteria, the EU adopted an additional cluster of criteria especially for the Western Balkans addressing the post-conflict regional challenges of reconstruction, stabilization and reform.

Two main additional criteria adopted by the EU especially for the Western Balkans, included regional cooperation and good neighbourly relations. In the aftermath of the 1999 Kosovo war, the EU introduced a more comprehensive and positive-looking regional approach through the Stabilisation and Association Process for the Western Balkans and the regional Stability Pact for South-Eastern Europe. The SAA that were signed by countries of the region clearly stipulated the importance of regional cooperation and development of good neighbourly relations as central to the Stabilisation and Association Process. The Stability Pact, on the other hand, was designed as a temporary body with unique powers to convene representatives of SEE and the international community to work on regional co-operation strategies in different areas such as democracy, economy and security. Despite initial worries about eventual rivalry between the SP and the SAP, time has proven that the SP was not rival but complementary to the strategies of the EU in the Western Balkans. Eventually, SAP conditionality became the main EU integration vehicle, while the SP facilitated the implementation of the EU policy's regional dimension. Through both these mechanisms, the EU has greatly contributed to increased sensitivity for the regional issues and problems among countries in the region. When the Regional Cooperation Council inherited from the Stability Pact the role of the coordinator among different regional initiatives, this was also considered a proof of an achieved maturity of the region.

As far as participation of Kosovo in regional organizations and initiatives is concerned, it may be concluded that it has gone through two major phases. The first phase refers to Kosovo's regional participation under UNMIK administration that basically started in 2004. Since then, UNMIK signed a number of international agreements as well as regional initiatives on behalf of Kosovo, such as Energy Community Treaty, European Common Aviation Area Agreement, South East Europe Transport Observatory, CEFTA, and most importantly Regional Cooperation Council. Within its mandate, UNMIK representatives regularly participated in all these regional organizations trying to bring Kosovo close to the region both politically and economically. Such

representation of UNMIK on behalf of Kosovo was especially successful in fields such as trade, energy, transportation and infrastructure. However, although as part of its mandate UNMIK was obliged to gradually transfer its competencies to Provisional Institutions of Self-Government (PISG) of Kosovo, UNMIK did little to ensure smooth transition of Kosovo's own representation in regional fora. As a result, after declaring its independence in February 2008, Kosovo faced tremendous difficulties to engage on its own in regional organizations and initiatives.

Consequently, during this second phase, Kosovo's regional participation was seriously hindered by fierce opposition of Serbia and other non-recognizing states. In a meeting of the EU-facilitated dialogue, Kosovo and Serbia have reached an agreement on Arrangements Regarding Regional Representation and Cooperation. According to this agreement, Kosovo would participate on its own account and speak for itself at all intergovernmental regional meetings, as an equal partner with all other participating States. However, contrary to the agreement, initially Serbia continuously blocked or boycotted regional meetings where Kosovo has been invited as a partner and raised serious doubts as to good faith of Serbia in the application of the ARRC. Nevertheless, while Belgrade's efforts certainly contributed to slowing down the process of recognition of Kosovo and its integration into regional structures, they failed to stop the process altogether. Consequently, after enormous efforts and overwhelming support by the EU, Kosovo managed to join several important regional organizations and initiatives, including Regional Cooperation Council and South East European Cooperation Process.

In terms of future perspectives of its regional participation, Kosovo should build on the existing momentum created with the latest membership in several important organizations. Nevertheless, it is clear that in doing so, Kosovo's future prospects for regional participation will significantly depend on overall relations between Kosovo and Serbia, international recognition and integration of Kosovo, and institutional capacity of Kosovo institutions. By utilizing prospect of future EU membership, the EU has managed to broker several important agreements that bring Kosovo and Serbia closer to each other. However, despite signs of initial normalization between the two countries, Serbia remains the strongest opponent of Kosovo's integration in regional and international structures. In order to improve its prospects for enhanced regional participation, Kosovo should further exploit the EU's specific Kosovo-related conditionality for Serbia's progress toward the EU. At the same time, Kosovo should intensify its structural reforms on its path towards the EU and demonstrate political will and commitment to meet the European requirements and standards in the process.

On the other hand, Kosovo's future prospects for regional participation are closely linked with its success in gaining additional recognition for its independence. This is especially true the five EU members that have yet not recognized Kosovo statehood. Because of these five member states the EU is unable to speak with one voice when it comes to Kosovo, and is unable to engage with Kosovo at the same level as it does with other Western Balkan states. Therefore, Kosovo should build on the recent momentum created by positive developments with Serbia to intensify its efforts *vis-a-vis* these five non-recognizing EU members. Kosovo should together with the EU in general and Germany in particular, utilize the signing of the SAA to undertake a coordinated effort to further pressurize the non-recognizing states. Such recognition efforts

should primarily concentrate on Greece and Romania that have recently shown signs of altering their position towards recognition of Kosovo. Eventual recognition by these two EU member states would in addition of putting huge pressure on Serbia to lift the opposition to Kosovo's membership in regional fora also represent major breakthrough in Kosovo's international integration.

Finally, for encouraging prospects in terms of its regional participation, Kosovo should seriously engage in thorough reform of its public administration. More than six years after independence public administration in Kosovo remains inefficient, corrupted and highly politicized. As a result, Kosovo government and administration has demonstrated a lack of understanding as well as a lack of comprehensive strategy and coordination for joining regional organizations and initiatives, while its representation in regional fora was characterized with lack of coordination and mismanagement. In order to improve performance and import knowledge and projects from regional participation, Kosovo government needs to allocate adequate and proper human and financial resources for such purpose. If Kosovo manages to successfully deal with these three determining factors, it can undoubtedly look forward to meaningful and much more successful regional integration in the future.



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